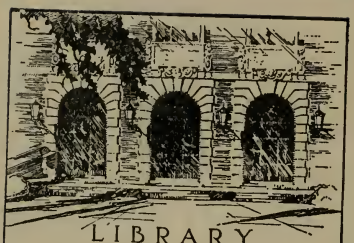

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A WHIM,

AND ITS CONSEQUENCES.

BY G. P. R. JAMES, ESQ.,

AUTHOR OF "HEIDELBERG," "THE STEP-MOTHER," "SIR THEODORE BROUGHTON," &c., &c.

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A WHIM,

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ITS CONSEQUENCES.

CHAPTER I.

"PATIENCE, and shuffle the cards," said the sleeper in the cave of Montesinos; and an excellent good rule it was. Our cards want shuffling; for the trumps have got packed.

A little more than a fortnight after Chandos Winslow had left Northferry for London, the party assembled at the house of Mr. Tracy on the evening of a cold January day, consisted of two or three persons besides his own family. There was the clergyman, Horace Fleming. There was an old lady, who lived at about twenty miles' distance, and spent the night there, when she dined—very rich, and some-

what egotistical. There was her niece, an exceedingly pretty little girl, without a penny, and totally dependent upon her bounty, who sang beautifully, and was kept under strict rule by her aunt—a sort of human singing bird, which old ladies will keep in cages now and then; and "last, but not least," was Sir William Winslow, who had come for two days, and had stayed seventeen. Not that he had entirely passed his time at Northferry; for he had ridden over more than once to Winslow Abbey, had met lawyers, and agents, and surveyors, and had received a proposal and nearly concluded an agreement, for selling the estate, land, park, and house to the law-agent of Viscount Overton, acting on his lord's behoof. Some little matters remained to be settled, but nothing of any great importance. The title was to be taken as it stood; the money was ready to be paid; and the only question was, whether the timber should be given at a round sum, or be regularly surveyed and valued. It was altogether an excellent arrangement; for, although perhaps the price offered was about five thousand pounds less than the real worth of the property, yet it saved Sir William the barba-

rism of pulling down the abbey; and that was well worth the money.

These periods of his absence from Northferry, however, were very short. Sir William brought them to a close as speedily as possible; agreed to proposals, which nobody thought he would agree to, with a facility most extraordinary; gave short answers and few words to every one who applied to him on business, and rode back to Northferry as soon as by any means he had scrambled through what he had got to do.

Sir William seemed a changed man; and nobody could tell by what means the alteration had been effected. Most people indeed seemed to like him, and to wonder at the bad reports which had got about concerning him; but the cause of this marvellous change must be explained.

It was a change external, not internal. The man was the same; the demeanor was altered. The same vehement passions were upon him which had always moved him; but their operation had taken a different direction. The first day he had passed at Mr. Tracy's, he had given his arm to Emily, to take her in to dinner, and he had thought her exceedingly beautiful. The

high, pensive character of her countenance, the voluptuous beauty of her form, the grace of all her movements, even the coldness of her manner towards himself, had all excited—however opposite in their apparent tendency—first admiration, and then passion. He saw her every day; and, with the uncontrollable impetuosity of his nature, he hurried on, pressing his suit upon her, only restrained from declaring it openly by the extreme brevity of their acquaintance. Every time he beheld her, his heart seemed on fire; every time she spoke to him, her words were enchantment that he could not resist; every time he touched her hand, it sent the blood thrilling through his veins; and day by day, and night by night he drank in draughts of love from her eyes, which seemed to intoxicate and leave him no command over himself. It was, in short, more like the passion of some warm eastern land than of our cold climate; and there was no folly, hardly any impropriety, that he would not have committed to call her his with as short a delay as possible.

Emily, indeed, shrank from his fierce and fiery advances, but as he had yet said nothing, it was impossible to check them as far as she

could have wished. Still she retired from his pursuit; but her very hesitation and withdrawal seemed to inspire him with fresh vehemence and ardour; and the strong passion that he felt, all animal as it was, seemed to grow more and more upon him hour after hour. Mr. Tracy saw the whole with some uneasiness; for he saw no sign of his daughter returning the feelings which she had evidently inspired in Sir William Winslow. He was not at all a man inclined to sacrifice his daughter; nor was he indeed one, in any ordinary circumstances, to thwart her inclinations; nor did he feel at all sure, in the abstract, that Sir William was the man he would himself have chosen for her. Not that the latter made himself by any means disagreeable; far from it. The bird plumes his feathers in the eyes of his mate; the tabby cat washes her face, and smooths her fur for the eyes of her companion, according to Pope; and the intensity of his feelings, by the unaffected course of nature, caused Sir William Winslow to display all that was good or bright in his character, all that might captivate or attract. He was witty, he was brilliant, he was gay; and the depth of his passion gave a vigour and profoundness to

his thoughts, a figurative splendour to his expressions, which might well have carried away any heart not armed and prepared against him. He was certainly very handsome, too; not that in features or in form he could compare with his brother; but still, when Chandos was absent, one would hardly be found to say, that they had seen a finer looking man.

It was on the seventeenth evening of his stay there, that, with the party I have mentioned, he was seated in the drawing-room, after dinner. He had placed himself as near Emily as he could, but that was not exactly at her side; for she had contrived, by an intuitive skill in the science of defence, to get the old lady on one side of her, and her uncle on the other. Mr. Tracy was talking to the pretty girl who sang, and Horace Fleming — very wretched—was speaking in a low voice to Rose. Rose was charity itself; and somehow, within the last two months, her eyes had become wonderfully sharpened to what was going on in people's hearts. What beautiful eyes they were, when she looked kindly upon one; shining soft and yet bright, like the light of a planet!

Winslow, Bart., of Elmsley and Winslow Abbey, the consequences of which, we are sorry to say, are likely to prove fatal—" Rose turned as pale as death; but her uncle went on—" to the noble Viscount. The cause of quarrel, it appears, would not admit of any apology on either side; and after having in vain endeavoured to effect an accommodation on the field, the seconds, Lord George Lumley and Colonel Sir Henry d'Estragon, measured the ground; and at the first fire, Lord Overton fell, severely wounded. The ball penetrated the right side, about six inches below the clavicle, and is supposed to have lodged under the blade bone, after having traversed the lungs. The noble Viscount was promptly attended to by Mr. G——e, who was on the ground; but after having staunched the effusion of blood, the eminent surgeon advised the immediate removal of the patient to his house in —— street, for further treatment. After having ascertained that his opponent was not actually dead, Mr. Winslow set out for the continent in a post-chaise and four, which was in waiting, accompanied by Sir Henry d'Estragon; and Lord George Lumley has also judged it expedient to

absent himself from London, till the fate of Lord Overton is ascertained. We regret to say that the report in —— street, is very unfavourable."

"I thought my brother would not be a fortnight without quarrelling with somebody," said Sir William Winslow.

"Indeed, Sir William," said General Tracy, who did not love him; "what made you so prejudge your brother? I have heard him very highly spoken of."

"A poet shall answer for me, General," replied Sir William Winslow; who, though the old officer's words did not please him, was unwilling to take offence at anything said by Emily's uncle:—

> 'There is a history in all men's lives
> Figuring the nature of the times deceased,
> The which observed, a man may prophesy,
> With a near aim, of the main chance of things
> As yet to come to life, which in their seeds
> And weak beginnings lie intreasured.'

"I judge of my brother by the past, my dear sir. But it is not for brother to speak ill of brother; and, therefore, I can but say I am very sorry for this affair, especially as Lord

What Mr. Fleming had said I did not hear; but Rose replied, "It will be of no avail. He can never induce her to like him."

They were the sweetest words Horace Fleming had ever heard; and with courage renewed he went over, and standing before Miss Tracy, joined in the conversation with quiet grace, which woke a world of fiends in Sir William Winslow's bosom.

Now, there was one curse upon Northferry, proceeding directly from the original sin—the love of the fruit of the tree of knowledge. There was a post from London twice a day—excellent for commercial men; sometimes good for solicitors; always agreeable to gossiping ladies, young or old; but the greatest annoyance possible in a calm, quiet little society, where all the business or agitation of the day is as well got over at once. The second post at Northferry House arrived about half-past nine; and the moment after Horace Fleming had left Rose's side, the butler entered with a salver, upon which appeared an enormous collection of letters, and a newspaper. Mr. Tracy took the letters, and the General the newspaper. The former apologised for looking at his cor-

respondence, and the latter was besought by Rose to see if any one was dead or married.

Poor girl, she did not know what she asked. She was like one of those who seek to look into fate, and find condemnation in the voice of the oracle.

General Tracy opened the paper, and turned to seek the important part which gives so much satisfaction to all ladies; but as he ran his eye down the columns, it was caught by the words "DUEL AT WIMBLEDON." He was a soldier, be it remembered; so that he might be excused for pausing.

"Why, what is the matter, my dear uncle?" asked Emily. "Are you appointed to the command of the forces in India?"

"No, saucy flower," answered the old officer; "but here is something in which we shall all take an interest, though a somewhat painful one—a duel, Sir William, in which one of our acquaintances has been engaged, with a relation of your own;" and he proceeded to read,—"This morning, at an early hour, a hostile meeting took place, near the old mill at Wimbledon, between Viscount Overton and Chandos Winslow, Esq., younger brother of Sir William

Overton is a very popular man in London, and by no means quarrelsome."

"He is not a very popular man in the country," said Rose Tracy, warmly; "and what you have said, Sir William, is surely quite condemnatory enough of your brother, without your adding any more."

"We do not yet know the circumstances," said Mr. Fleming, in a mild tone; "perhaps Mr. Winslow may not have been the aggressor."

"Really sir, I do not see why you should 'perhaps' the matter," answered Sir William Winslow; "I must know my brother best, I imagine. And I was not aware that clergymen advocated duelling."

"Nor do they, Sir William," replied Fleming; "on that point, both were equally in fault. But the question was, I think, Who was the aggressor in the quarrel which led to so sad and criminal a result? You will excuse me, however, for believing that brothers do not always know brothers best. Brotherly love is not found in all families; and where it does not exist, the judgment is apt to be prejudiced."

"Sir, you are a clergyman," answered Sir William Winslow, with marked emphasis, "and

can venture to comment on family disagreements in a way which others could not do."

"I was utterly unaware that there were any," answered Horace Fleming; "and sincerely beg your pardon for touching on a subject which, whatever be the circumstances, must be deeply painful to any right-feeling man. My observation was intended to be as wide and open as the day, I assure you."

"It was somewhat pointed for the breadth you give it," was the other's reply; and turning away with a quivering lip, he crossed the room, and spoke to the pretty little girl, who was seated not far from the small table, where Mr. Tracy was reading his letters by a lamp. That gentleman had not heard a word of all that passed regarding the duel between his acquaintance, Lord Overton, and Chandos Winslow. There was something in the very first letter he opened which took the colour from his cheek; and the second and the third but blanched his face still more. As the half light of the shaded lamp fell upon his countenance, the deep line which had indented itself during the last few minutes between his eyebrows looked like a dark gash, and every fur-

row of the brow seemed doubly deep. General Tracy fixed his eyes upon him with some anxiety; but Mr. Tracy communicated the contents of his letters to no one; and as soon as Sir William Winslow crossed the room, he rose and left it, carrying his papers in his hand.

When he reached his library, where a light was always burning at that time of night, he sunk into a chair, and suffered the letters to drop upon the floor, murmuring, "Heaven and earth! This is destruction—The North line, too! To be made responsible for debts I had no share in contracting, simply because I let them advertise my name as a director. The Junction down at nothing, and to be abandoned! The Western branch rejected! Why two hundred thousand pounds will not cover it!" and he pressed his hand upon his brow, as if to control the turbulence of thought.

Then he rose and paced the room rapidly, gazing wildly round him at all the pomp and circumstance of wealth that surrounded him, and comparing it bitterly with the future beggary which he saw impending. But ere he had taken more than two or three turns, the door opened, and his brother entered.

"What is the matter, Arthur?" he said. "Something has agitated you terribly."

Mr. Tracy stooped, picked up the papers from the floor, and put them in his brother's hands, with the simple word, "Read!"

General Tracy did read, and his countenance fell for a moment. He instantly recovered himself. "A heavy loss, Arthur," he said; "and lost in a very foolish manner. I like plain, straightforward gaming better than this; but still the affair might be worse. Do not give way after this fashion. We must meet the matter as it can best be met. There is enough between you and me to cover more than this; and you know, my dear Arthur, I have none but you and the two sweet girls—and that little devil of a boy. A hundred a year he must have; that I have settled in my own mind. The girls must have their fortunes. That must be done; but still the two estates will bear more weight than all these sums; and if not, there is my pay. Two old men do not need much, Arthur; and we shall have enough for a beefsteak and a bottle of wine, notwithstanding."

Mr. Tracy pressed his brother's hand, murmuring, "Oh, Walter, how can I involve you

in my ruin? Besides, large sums will be required immediately, or I shall be disgraced."

"Pooh, pooh!" said General Tracy; "no man is ruined so long as he has a bed to sleep on, cloathes to wear, a house to cover him, and food to eat. We shall want none of these things, Arthur. We shall be as rich as Sandy Woodyard, who is reckoned very well to do; and, as to raising large sums, that will be easily done, without any loss of time. But your thoughts are all in confusion with this unexpected stroke. Cast the whole from your mind for to-night; come back into the drawing-room, and do not let either the baronet or the parson see that you are troubled; sleep quietly over the affair, and we will arrange the whole to-morrow. I can raise seventy or eighty thousand pounds at a day's notice. You can double that; and all I can say, my dear brother, is, that, barring a fair provision for the two girls, I care not a rush what becomes of the rest. Besides, some of the shares are worth something. It is not all lost."

"Heaven forbid!" answered Mr. Tracy; "but the actual loss is immense; more than you know, Walter."

"Oh, no! I see it all," replied the General, glancing again at the letters. "But it is not so bad. It will be easily managed. The first sight of bad tidings is always through a magnifying glass. The spectacles will have fallen off your nose before to-morrow; and in the mean time shut your eyes to the whole concern. Come along; the people will think it strange if we are both absent together any longer; and the dear girls will think it strange, which is worse."

Mr. Tracy suffered himself to be led back to the drawing-room; and there, by a great effort, so far conquered the busy and rebellious thoughts within, that his guests did not discover any difference of manner. His daughters did, indeed; and both Emily and Rose retired to bed that night thoughtful and sad; for they were well aware that their father's friendship for Lord Overton was not strong enough for the intelligence of his being wounded to cause the degree of agitation they beheld. Rose, too, had her own particular share of sorrow and anxiety, and her cheek was pale when she arose the next morning, as if she had known little rest during the night.

With Mr. Tracy, the effect of a night's consideration—for it certainly was not a night's sleep that he obtained — was to plunge him into despair. The first blow had been stunning. As not unfrequently happens with corporeal injuries, it had for a time crushed out the full perception of the wound; but when he thought of the immediate pressure, and the future beggary—when he looked all the difficulties and disgraces which surrounded him in the face, as they stared at him through his bed curtains, in the midst of the night, his heart sunk low, low; and his brain had well nigh given way under the anguish of mind he endured. He was up early the next morning, with the letters in his hand, and pen and ink beside him, calculating the full amount of his disaster. It would be tedious to the reader to enter into details or explanations on the subject—how it happened, or by what means it was brought about. Suffice it, that he found his ultimate loss would probably be so large, as to compel the sale of all his estates. That, if still willing to assist him, his brother must sell, or mortgage deeply, the family property; and—a matter of much more immediate concern—that the sum

of one hundred and fifty thousand pounds must be raised within a fortnight, to save him from disgrace. He had taken up money largely, which must be instantly repaid; and when he thought of all the tedious processes of the law—the impossibility of hurrying a transaction of such magnitude—the few persons who were capable, or would be willing to lend such a sum without full investigation of the security—the utter improbability of his obtaining it in time, his brain whirled, and in imagination he saw himself torn away from his luxurious home, a beggar, a bankrupt, and a prisoner.

He gazed wildly at the window; his daughter Emily passed across from one greenhouse to the other—a vision of loveliness. "Better die," muttered Mr. Tracy, with his thoughts all whirling; "better die at once!" and he reached out his hand to the pistols which lay upon the top of the scrutoire. He looked at them for a moment, laid them down beside him on the table, and pressed his hand upon his brow. Some one knocked, and, without waiting for an answer, came in. General Tracy looked at his brother, advanced to the table, put the pistols in his pocket, and rung the bell sharply. "Ar-

thur," he said, "you are not well. We must have the doctor.—Go down immediately to Mr. Woodyard," he continued, when the servant appeared, "and tell him I should like to see him without a moment's delay."

In half an hour more, Mr. Tracy was bled copiously, and found instant relief.

"Good God!" he said, in a low tone, turning towards his brother, who was the only person in the room besides the surgeon and himself, "what was I going to do?"

"Now what the devil is all this, sir," said the surgeon, who had been perfectly quiet, and even tender with his old friend, till he saw that he was freed from the imminent danger which had menaced him, but then instantly resumed his rude familiarity. "You have been about some cursed folly, Tracy, and burnt your fingers. I know you—I know you! Every man has some point on which he is a fool; and the wiser he is on others, the greater the fool he is on that. I can guess what it is; so there is no use of denying it. That infernal blackguard Scriptolemus Bond, was not with you a whole morning for nothing, about a fortnight ago. He has gone to smash; all his bubbles have

burst, and he is off to America with all he could collect. Thank God, he did not get a farthing from me, though he tried hard; but I know he took you in to the tune of many thousand pounds; for he told me so, and showed me some of the drafts."

"That is not the worst of it, my good friend," answered Mr. Tracy, in a low tone; "there is not one line in which I have taken shares—and I am sorry to say I have done so to a large extent —which has not fallen almost to the ground."

"Upon my word, you must be a very unlucky fellow, not to have one folly escape without punishment," answered the surgeon. But General Tracy interfered, saying, "There, there, let him alone, Woodyard. He is not in a fit state of health or mind to be railed at."

"Do you suppose you know better than I do?" asked Sandy Woodyard. "You are a conceited old gentleman, upon my word. Stick to your own tools, General. I am determined I will know all about this business; for I must, and will be informed of what is pressing on my patient's mind."

"It is," replied Mr. Tracy, in a slow, thoughtful tone, "that within one fortnight,

my good friend, I have to pay nearly one hundred and fifty thousand pounds; and forty-nine thousand pounds thereof within four days, without time to make the necessary arrangements, almost without time for thought. I wrote up to sell shares, to meet the latter sum, at whatever might be the loss; and the answer was that letter, telling me that the shares I mentioned were a mere drug—worth nothing in the market. Is not that enough to press hard upon any man's mind, Woodyard?"

"No," answered the surgeon, bluntly, "not unless he be a fool. You've plenty to meet the demand. You may not be as rich as you have been; but you have chosen to have your dance, and so you must pay the piper. As to the forty-nine thousand pounds, you can get somebody to advance it. If nobody else can be found, I will."

"You!" said Mr. Tracy.

"You, Woodyard!" cried the General.

"Oh, yes—why not?" replied the surgeon; "I'm a poor devil; but I have got something, and I have made a little more by these same speculations which have burnt your fingers, Tracy; only you see I never ventured upon any

thing that was not sure—I touched nothing that was not going—I did not sow a field that was not ploughed and harrowed. You have nothing to do, therefore, but to let me know the day, and give me a little bill of sale of your personals and timber to the amount advanced, and the money shall be ready. Come, come! —do not lose heart. You will get somebody to advance the other money wanted; and in the mean time, if I were the General, I would run up to London, and look after these shares and scrip. I do not believe a word of some of them not bringing in money yet."

Mr. Tracy pressed his hand for his only reply; but he felt deeply the worthy man's kindness, the more, perhaps, from the blunt way in which it was offered.

"There, now, keep yourself quiet, and all will go well," continued Sandy Woodyard, taking up his hat and cane, and bending his steps homeward. But Mr. Tracy could not do what the surgeon directed. What man of lively imagination can ever keep himself quiet when danger is still impending over him? Who but Washington Irving's Dutchman could ever batten down the hatches, and sleep out the

storm. Mr. Tracy felt that the storm was not passed yet. The good surgeon had afforded unexpected relief, it is true; but still the enormous sum to be paid within one fortnight, without any preparation for it, rose up to his eyes like the rock of adamant before the ship of Sinbad the sailor; and he asked himself again and again how it was to be raised, where it was to be found. There was no answer. Nevertheless, he assumed a tranquillity which he did not feel; and assuring his brother that he was better, and his mind relieved of its greatest burden, he went in with him to breakfast.

Rose was pale; but Emily seemed to have had bright dreams, for seldom had her beauty been more resplendent. Sir William Winslow sat near and gazed at her from time to time, with eyes full of passion; and as soon as breakfast was over, he requested to speak a few words with Mr. Tracy alone. That gentleman had not yet got his newspapers, and, to say the truth, was anxious in no light degree to look at the share list; but he courteously acceded at once, and led the way to his library. The conference was long; and when the young

baronet came out, his eyes were sparkling and his air triumphant. He ordered his horses instantly, to ride over to Winslow Abbey; but while he waited at the door for their coming, he murmured, "She must be mine—she will never hesitate when her father's safety depends upon it!"

At a furious pace, up hill and down dale, rode Sir William Winslow, to his old family property, half-killing the groom behind him; and as soon as he arrived, he asked if Mr. Roberts or Mr. Grubbup, the law-agent of Lord Overton, had been there.

"Mr. Roberts hasn't been since Thursday last, Sir William," replied Mrs. Garbett, who opened the hall doors; "but the other gentleman with the queer name, is in the drawing-room, waiting for you, sir."

Sir William strode to the drawing-room, horsewhip in hand, as if meditating mischief; but his salutation of the man of law was, on the contrary, quite condescending; "Well, Grubbup," he said, "I have just heard sad news of Lord Overton and my mad brother Chandos."

"Ay, very sad indeed, Sir William," said Lord Overton's agent; "but I suppose, of

course, sir, you do not take up the quarrel of your brother in a matter of business."

"Oh, certainly not, Mr. Grubbup," replied Sir William. "I do not take up his quarrels at all. But what I wished principally to know was this. How will the transaction between us be affected by the state of Lord Overton? He was not expected to live, I understand?"

"He is better, Sir William, he is better," answered the man of law. "There is every hope of his doing well. But even were it not so, I took a little precaution, luckily, after our last conference, with the approval of Mr. Roberts, which would render the arrangement binding upon his heirs, exors, and admors. I drew up this agreement of purchase and sale, which on Saturday last, not ten minutes before he went to the opera, I got him to sign. Nothing is wanting but your own signature, Sir William, and the transaction is complete."

"With the exception of the payment of the money," said Sir William Winslow; "but that is a very important part, Mr. Grubbup, especially at the present moment."

"But, Sir William," said the agent, you know the timber—and it is only usual—"

"All very well, my good sir," rejoined the young baronet, whose eyes had been running over the paper, and who assumed a very decided, not to say domineering tone; "but I see the question of the timber is provided for. It is, by this document, to be taken at a valuation, although I fixed my own valuation before. Let that pass, however; I will not contest that point. In regard to the payment, I am decided: I will sign no paper till I am made sure that, by the fifth of next month, at least one half of the purchase-money shall be paid into my hands. If you do not make me perfectly sure of that, I will dispose of the property at once to some one else. You know I have another offer."

Mr. Grubbup looked amazed and confounded; but Sir William Winslow convinced him he was in earnest, by informing him that he had, in fact, need of the sum of one hundred and twenty thousand pounds, on the day named. The man of law was terribly afraid of losing all the various comfortable pickings, which men of law get out of such transactions, if he did not comply; but, after a little bush-fighting, he found means to satisfy Sir William Winslow that all he desired

should be done; and the baronet rode away with a feeling of triumphant joy in his heart, at the idea of soon possessing her who had inspired him with a passion which deserved hardly any other epithet than that of *fierce*.

CHAPTER II.

It was the evening of a beautiful day in February, when Chandos Winslow returned by the lanes at the back of Northferry house towards his gardener's cottage. The scene and the hour were peaceful; and their tranquillity overspread his heart as if a balm were poured upon it. Frosts had departed to the pole. A west wind, slightly veering to the south, had brought the breath of summer from the distant lands. The early-loving thrush was singing his first sweet song upon the top of a bare tree. It was very pleasant. Chandos wished he had been born a gardener. Nevertheless, he hurried his pace; for he had a rose to tend. He fancied—he hoped that she might soon be by the little basin of gold and silver fish; but he had only two

ways of approaching it: one by the gate near his own house, one by that at the other end of the grounds, which would have brought him before the windows of the mansion. He went into the cottage then for the key; and there good dame Humphreys detained him, impatient, for a few minutes, telling him how kind Miss Rose had been, coming down often to see little Tim; and how the boy had been sent daily to the school in the village, from which he had not yet come back, though it was late; and how the gentleman, who had been there with him one night, (i. e. Lockwood,) had been there the night before, and again, not ten minutes before, asking about him, and exceedingly anxious to see him, and very much provoked to find he had not come back; and how he had gone away grumbling and mumbling, as the old woman called it, and saying to himself, that as he, Mr. Acton, was not there, he must do it himself, for there was no time to be lost.

Chandos did not mark her much; but merely telling her, if Lockwood returned, to say that he would be back in half-an-hour, he took up a light Dutch hoe, which stood in the corner of the cottage parlour, and went out to the garden.

With a hand trembling with that sweet expectation which sometimes shakes the powerful frame even more than the feeble one, he opened the garden gate and went in. Close to the entrance he met one of the labourers in the garden, who wished him good evening, and said he was glad to see him, for the busy time was coming on. The man was going home for the night, and Chandos soon got rid of him, and of one of the boys who followed; for the sky was already very grey, and he feared that any delay might deprive him of the sweet moments coveted. He felt sure he should find Rose there. The very air seemed to breathe of love. She could not be absent.

He was right. Rose was beside the marble basin; but her eyes were dropping tears into it. He leaned the hoe against one of the pillars, and her hand was soon in his. Chandos could not resist the impulse to hold her for one moment to his heart.

"Oh, do not; do not, Chandos," she said. "I have much, very much to tell you; and it is all sad."

"Speak, dear Rose," he answered; "let me hear it at once. Tell me everything; tell me

anything but that you are not mine—that you are to be another's."

"Oh, no; it is not that," she said, with a faint smile. "I have not time to tell you to-night, for you see it is growing quite dusk. Come to-morrow. I must see you—I must speak with you."

"Oh, stay one minute!" cried her lover, detaining her; "let me know something, at least, of what it is that grieves you—but a few words, dear Rose."

"They must be very sad ones," she answered. "My father is ruined, Chandos. My poor sister, dear, dear Emily, has consented, to save him from immediate destruction, to wed, with terrible haste, a man she does not, cannot love—your own brother, Chandos—and, oh! —what is worse than all—I fear, I am sure, she loves another;" and Rose wept bitterly.

Chandos was silent for an instant, holding her hand in his, and gazing upon her with love and sympathy; but the next instant he heard voices speaking, and steps advancing, in the narrow winding walk behind.

"Good Heaven, it is your brother!" cried

Rose. "I hear his terrible voice. Fly! fly! Where can I escape him?"

"Up that walk, dear girl," replied Chandos. "I will easily avoid him. I will leap the hedge there. But let me see you safe first."

"No, no! Go at once, go at once," she cried; and Chandos, in obedience to her wish, passed through between the pillars, and leaped the low hedge which bordered a hawhaw that divided the grounds of Northferrry from the neighbouring fields. He had, at first, proposed to cross the next enclosure at once, and return to his cottage; but it was lighter beyond the precincts of the garden, than under the shadow of the trees. He did not wish his brother to find him there; he wished to assure himself that Rose got away unseen, and he remained on the other side of the hedge, which, as he stood with his feet at the bottom of the hawhaw, overtopped his head by about nine inches. He had no idea that he would be witness to more than his brother passing by along the walk, which approached within about ten paces of the hawhaw on one side, and which skirted the little factitious ruin above the fish-pond, within a foot or two, on the other. Had he

had an idea of the possibility even of his becoming an evesdropper, he would not have hesitated, but crossed the field at once; but the path was, as I have said, at ten paces' distance, and unless the persons walking along it spoke very loud, it was impossible for any one in the hawhaw to hear more than an occasional word, unless the passers-by paused. Thus much is necessary to the character of Chandos. He paused, but it was to conceal himself, not to listen.

The moment after he had leapt the hedge, Sir William Winslow appeared at the turn of the little path; but he was preceded a step by another. His brother's figure Chandos recognised at once, notwithstanding the growing obscurity; but, for an instant, he could not distinguish who was his companion; for the short, slight-made man, who accompanied the baronet, was wrapped in one of those loose formless sort of coats, called paletôts. The next moment, however, the sound of their voices, raised exceedingly high, and in angry tones, reached him as he stood and gazed through the hedge; and he recognized that of Mr. Roberts. None of the words were distinct; but

it was evident that both were highly excited; and, by the sharp and vehement gestures of Roberts, so unlike his usual, quiet, and staid demeanour, and by the rapid pace at which he walked, with the baronet following, Chandos judged that the good steward was endeavouring to escape from provocation beyond endurance, even to his tranquil and equable disposition. Just as they came up to the little Greek temple, which had been built over the fish-pond—that is to say, at the nearest point of the walk to the spot where Chandos was concealed—Sir William Winslow laid a grasp upon Roberts's collar, as if to stop him in his rapid advance, exclaiming at the same moment, "Damn you, sir, what do you mean?"

Roberts instantly shook off his grasp, and whirled round confronting him. At the same moment he exclaimed vehemently, "I will not, Sir William Winslow! If you will have it, I believe you burnt it."

The baronet instantly struck him with his fist, exclaiming, "You damned rascal!" The next instant his eye seemed to light upon the Dutch hoe, which Chandos had left leaning against the pillar. He snatched it up, struck

the steward a violent blow on the head with it, which brought him instantly to the ground, and added another as he fell.

Chandos sprang up, struggled over the hedge, and ran forward. But his brother, hearing some one coming, darted away up the shrubbery walks, and was out of sight in a moment. Kneeling down by poor Roberts's side, the young gentleman raised his head. But what was his horror and distress, when he found that the two middle fingers of his left hand rested in a deep indentation in the skull, while a gaping wound in the scalp, cut by the iron of the hoe, was pouring forth blood profusely! Bending closely down, he saw a portion of the brain mingled with the grey hair; and, with a feeling of sickening horror at his heart, he laid the body gently on the ground again, and gazed at it for several minutes, as if the sight had turned him into stone.

Oh, what a dark and terrible moment was that! What a whirlpool of horrible thoughts did his brain become! What anguish of mind —what wavering hesitation of purpose—what indignation — what sorrow did he not feel! The first impulse was to run and call for assist-

ance; but then he shook his head, and murmured, "He is dead! he is dead! No aid can ever bring him back to life." Bending down again, he pressed his hand upon the wrist, and then upon the heart. There was no pulsation. All was still for ever! The complicated machine was broken, never to be repaired again. The lamp drowned out, not to be re-lighted.

What should he do? How should he act? He had seen an honest, upright, noble-minded man murdered before his eyes: but the murderer was his own brother! They had lain in the same womb; they had hung at the same breast; they had joyed in the same smiles; the same blood flowed in their veins;—and yet one was a murderer, the other, the witness of the crime. It was a terrible struggle. Duty called upon him to denounce the criminal; indignation prompted him to the same course. By that very brother's acts, brotherly love had long seemed extinguished between them. Yet Chandos could not make up his mind to be his brother's accuser, to give him up to trial and to death.

"I cannot—I cannot," he said, after a long

and painful revery. "Poor Roberts, I can do thee no good; and I cannot be a destroying angel to my own race. 'Vengeance is mine, saith the Lord, I will repay;'" and, turning away from the fatal scene, he hurried back to the small gate which led out towards his own cottage.

CHAPTER III.

"WHO was that I saw crossing the lawn a little while ago?" said Mr. Tracy, speaking to his valet, who came in to assist him in dressing for dinner.

"I saw a gentleman at the door asking for Acton, sir," replied the servant; "and, as one of the men met him coming back this afternoon, I told the person that he would most likely find him in the garden; for he seemed quite a gentleman, and in a great hurry to speak with him. I hope I did not do wrong, sir?"

"Oh dear, no," answered Mr. Tracy; "I am glad to hear Acton has come back. Let him know to-morrow morning, that I want to talk to him."

Mr. Tracy went on calmly with his dressing;

and when he had done, as the second bell had rung, he took up a book and read. He was very grave. Thought was importunate; for, though he had freed himself from present difficulties, yet the future was dark and menacing; and, at what a price had he purchased temporary relief? His daughter's happiness—he felt it—had been the sacrifice. He saw that she did not, that she could not love Sir William Winslow; and yet the baronet, bending all the energies of his mind to the speedy gratification of the passion which moved him, had skilfully contrived, with as little appearance of selfish policy as possible, to make the sum which was immediately necessary to Mr. Tracy dependent upon the time of the union of his daughter with himself. Without entering into long explanations, he had stated that he had the power to settle that sum upon his wife; implying, untruly, that he had not the power of lending it under other circumstances. Mr. Tracy was obliged to accept his terms without inquiry. Emily yielded with despair in her heart, and dark forebodings in her mind. She had but one consolation—one support—that, by the sacrifice of all that was most dear, she

was saving her father. She repeated it to herself a thousand times a-day; and kept it ever before her in the weary and wearing hours of the night. It was the only means she had of keeping the bitter anguish of her spirit from bursting forth before every eye. Do what she would, it did sometimes appear; and Mr. Tracy felt the silent reproach, and dared not pause and think; but filled every moment with some occupation, however trifling, which might withdraw his mind from the terrible consciousness, that he was sacrificing his child.

When the bell rang, he walked down to the drawing-room with a quick step. His two daughters were there alone—Emily exceedingly pale, but calm, though very grave; Rose striving for cheerfulness with an effort almost hysterical. The General was absent in London. Sir William Winslow was not yet down, though he had only arrived that morning from town, and might be supposed to feel eagerness to be with his betrothed as much as possible. Five, ten minutes passed; dinner was announced; and then some more time went by; till, at length, Mr. Tracy sent up a servant to inform his guest that they waited for him; and in a

few minutes more, Sir William presented himself. His appearance, however, struck everybody as very strange. His face was usually florid; his manner calm and resolute; his tone quick and decided,—but now his cheek was like a sheet of grey paper; his eyes wandering and haggard; his step vacillating; his tone wavering, and his words confused. He apologized for the tardiness of his appearance, saying, that he had felt fatigued with his journey, and somewhat ill, and had fallen asleep. Emily expressed no concern or sympathy, though his excuses were principally addressed to her. They had had a full explanation together. He knew the terms on which he obtained her hand; and she did not wish him to suppose her moved by feelings she did not experience. It was her person he sought to possess, not her love. That he obtained; she could give no more.

Mechanically he offered her his arm, to take her into dinner; sat beside her, and talked. It was strange, rambling conversation; sometimes distilled drop by drop, as if each word were the last he would ever speak; sometimes frightfully rapid. They formed a strange con-

trast, he and Emily—she in her calm taciturnity; he in his perturbed, unequal eloquence. Yet there were strong feelings at the heart of both: hers high, grand, ennobling; a battle fought, a struggle striven, a victory won over self:—his turbulent, agitating, oppressive; a fierce contest, a terrible strife, a losing battle against remorse and dismay. There was nothing harsh, nothing resisting in her demeanour. It was all done; the combat of the mind was over—the assent was given: she yielded herself to the knife: she was Jephthah's daughter in the mountains, the expiation of her father's folly, prepared or preparing for the sacrifice. She was cold. How could she be otherwise? But there was no harshness.

He, on the contrary, was strangely excited. Every time the door opened, he turned round with a start, and looked with straining eyes behind him. When the butler asked in a whisper of Mr. Tracy, what wines he should set upon the table after dinner—a question he had forgotten to put before—Sir William Winslow listened with all his ears to catch the sounds, as if they bore matter of life and death to him; and when Mr. Tracy answered aloud,

"Some red hermitage and claret," he applied himself to talk again with exceeding vehemence.

The shadow of the dead haunted him. The gaunt spectre of Remorse was ever before his eyes.

Doubt too—terrible, vague, cloudy, indefinite doubt, the most oppressive of all states of mind, the most fearful form of Nemesis—hung over him like a brooding fury. "Was he really dead?" he asked himself; "Was the man slain?" He had fallen very heavily. That last blow had been followed by a sound strange and frightful: the cracking of solid bone mingled with a deathly groan. The eyes —he had seen them even in the dim twilight— had swum mortally in the sinking head. There had been a gasp which he did not like to think of, a dire clutching after breath of lungs that would receive it no more. What he would have given to creep quietly and silently down those wintry walls, and look at the spot where he had left him! to feel about with his hands in the darkness, and ascertain if the body was still there! But he sat chained to his seat in marble terror. He dared not turn his eyes

towards the side were the deed had been done; he hardly dared to think of it, lest his thoughts unwittingly should find a tongue to bear witness against him. Yet he remembered that no one had seen the deed, as far as he knew; that he had met the object of his crime by accident, as he was returning to the house after a short walk in the grounds; that he had encountered no one by the way, either going or coming; that he had even gone out of the house by one of the conservatories, which led directly to a close and narrow walk, so that none could tell he had ever set his foot across the threshold. All these seemed comfortable reflections; but yet, strange to say, they brought neither comfort nor assurance. There is a consciousness that murder has its mysterious witnesses, which ever sits heavily on the felon's spirit. Why, he knew not, but he felt detected, even while he strove to prove to himself that detection was impossible. Oh, crime is a terrible thing!

Nevertheless the whole of dinner-time passed over quietly: there was nothing took place to cause alarm; and when Emily and Rose left the table, Mr. Tracy remarked, "Sir William, you do not seem well. If you would

take my advice, you would send for our worthy surgeon, Mr. Woodyard, and adopt some precautionary measures. I think you must have over-fatigued yourself."

"I had a hard day's work in London, yesterday," replied his guest, "running after those lawyers all day long; and I travelled all night. I did not sleep either, though I usually sleep as well in a carriage as a bed. Perhaps I am a little heated. My face is flushed, is it not?"

It was as pale as death.

By Mr. Tracy's persuasion the surgeon was sent for; and was soon in the house.

"Well, what is the matter with you?" he asked, as soon as the young baronet was pointed out as his patient; and, pressing his hand upon the pulse, he stared into Sir William's face, as if he wished to put him out of countenance.

"I do not know, doctor," replied the other. "I do not feel well—am fatigued—have got a head-ache—my temples throb; and my thoughts are somewhat confused."

"You have got something on your mind," said Sandy Woodyard, thinking of Emily, whom the old man loved dearly, and did not

like to see sacrificed; "your conscience is not quiet, I should think—this is all mental."

"What do you mean, sir?" asked Sir William Winslow, fiercely; his pride and his courage coming arm in arm to his aid the moment he was attacked in front.

"I mean just what I say," replied the surgeon, nothing daunted; "there is no sign in the pulse or the temperature of the skin, to show any corporeal ailment. It must be mental; and the best thing to prevent the mind acting too strongly on the body, will be to let you blood. Bring me a basin and a good stout stick, flunky."

Sir William Winslow submitted willingly enough, though he hated the old man mortally, for words which touched rudely but unwittingly on the deep concealed wound. Sandy Woodyard made him grasp the stick tightly in his hand, pierced the arm, and as the blood spirted forth, indulged in a grim smile, muttering, "Ay, black—damned black—black blood as ever I saw—very needful to draw this off—we must have a good drop!"

And a good drop he did certainly take; for, whether from judging it really necessary, or

from a slight touch of malice, he bled the baronet till he fainted. Sir William was carried to his room, and soon brought to consciousness again; but good Mr. Woodyard was not aware that, in one respect, at least, he had conferred a favour, by affording a fair excuse to his patient for not joining the party below any more that night. Even that was a relief; but it was not till the next morning that Sir William Winslow was aware of all he had escaped.

It was the custom at Northferry, for the under-gardener, every night, before he retired to rest, to perambulate the grounds, and then to let loose some large dogs, serving as very necessary guards to a place which, by its open boundaries, and solitary situation, was much exposed to depredation. On the night in question, about ten o'clock, he sallied forth, when the moon was just rising, faint, dim, and watery, as she not unfrequently appears after one of those fine, warm, unseasonable, February days, with a few thin lines of grey and white cloud drawn across her sickly disk. She gave a good deal of light, however; and he took his way along the paths, rather enjoying the walk than feeling it a burthensome task. When he approached

the confines of the grounds, on the field side, and came near the little temple so often mentioned, he saw, by the beams of the moon, something lying, partly on the path, partly off, like a large dog curled up to spring at him; and he paused in doubt and some alarm. The object remained quite still; and drawing slowly nearer, he found it was the body of a man. He touched the hand; it was deadly cold; and in terror and consternation he ran straight across the lawns back to the house. Servants and lights soon followed him down to the spot; and consternation and horror reached their height, when it was found, that the very person who a few hours before had been asking for the head-gardener, at the mansion, had been murdered in the grounds. The body was already quite stiff; but it was taken up and carried into one of the tool-houses, while some of the people ran back to give Mr. Tracy information of the event. The rest gathered round the corpse as it lay upon a gardener's bench; and many were the comments made—some ridiculous and almost laughable, some sad, some sublime in their simplicity.

"Well, it is a queer thing to see a dead man, any how," said one of the spectators, in a very low tone; "they all look so dull like."

"Poor man! I wonder what his wife is thinking about now," said another.

"Ah! he saw the sun go down that will rise again to-morrow as bright as ever, and he see it no more," was the observation of an old servant. "Well, my night will soon come too. God send it be not a bloody one, like his!"

Mr. Tracy was soon upon the spot; and walking up to the body, he took a lantern from the hands of one of the men and held it near the corpse, before he asked for any further information than he had received by the way.

"I have seen that face before," he said, after considering the countenance of the dead man for a moment. "It surely is Mr. Roberts, the steward and agent of Sir Harry Winslow. Yes, it certainly is his face. Here, come forward, Taylor, and bear witness what we find upon the body. This is a most strange and terrible affair. I feel almost sure that this is poor Roberts, and the fact of his being killed in these grounds is most extraordinary."

The man he spoke to was his butler, and

advancing to his master's side, he held the lantern while Mr. Tracy examined the contents of the dead man's pockets. The first thing that was taken out seemed to settle the identity at once. It was a letter, which had been opened, addressed to "Richard Roberts, Esquire, Winslow Abbey;" and although Mr. Tracy proceeded to read it, in search of any information which could lead to a discovery of the murderer, it may be unnecessary to give the contents in this place, as they have been already laid before the reader. The epistle, in short, was that which Chandos had written the night before, after having quitted the park; but to Mr. Tracy's mind it conveyed no hint of the state of the case. He only saw, that Mr. Winslow had written somewhat sharply, and he thought, "The poor young man will regret this when he finds what a sad fate has overtaken an old and faithful servant of his family."

He handed over the letter, when he had read it, to the butler, with a pencil, saying, "Mark it;" and then proceeded with his examination. Nothing had been taken from the body. The watch was there; the purse was safe in the pocket, though i contained a good deal of

money. The pocket-book, with various papers, receipts, bills, promissory notes, memoranda, and letters, was also there. Even a pair of silver spectacles, in a morocco-leather case, had not been disturbed in the waistcoat pocket; and it became apparent that robbery had not been the object, or that the assassin had been disturbed before he had time to reap the fruits of his crime.

The next object of examination was the exact spot where the body had been found; and Mr. Tracy proceeded thither with the under-gardener, followed by all the rest. There were but few traces of feet, for the gravel walk was hard; but there was a quantity of blood where the poor man had lain; and while Mr. Tracy was looking narrowly at the place, one of the men cried, "Here is what did it, sir;" and at the same time took up the Dutch hoe which was lying on the grass hard by. On holding the lantern to the tool, some blood and grey hair was found upon the blunt edge, and at one corner; and Mr. Tracy ordered it to be conveyed, exactly as it was, to the tool-house, whither, after having concluded his personal inspection of the spot, he returned himself. He

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there paused and meditated, and at length said to the under-gardener, "Go and call Mr. Acton hither."

In a few minutes, Chandos was in the tool-house. He was perfectly calm and grave, for he had had time to think and to determine upon his conduct.

"Here is a very terrible affair, Acton," said Mr. Tracy. "This poor gentleman has been murdered in the grounds, close to the fish-pond. He asked at the house for you, it seems; and was directed to seek you in the garden. Look at him close, and tell me who he is."

"I do not need to look nearer, sir," replied Chandos, gazing firmly on the corpse; "it is the body of poor Mr. Roberts, the late Sir Harry Winslow's agent—as good a man as ever lived."

"Did he find you in the garden?" asked Mr. Tracy.

"No, sir," replied Chandos; "I quitted the garden after speaking a few words to Miss Rose Tracy, by the basin, as she was feeding the gold-fish."

"That must have been very nearly at the time he was seeking you," said Mr. Tracy.

"I saw him cross the lawn, and I saw my daughter return about ten minutes afterwards. Did you quit the garden immediately after you saw her?"

"Immediately," answered Chandos.

"Do you know whose hoe that is?" inquired Mr. Tracy, pointing to the one that lay by the dead man.

"Mine, sir," replied Chandos at once; "I left it leaning against the pillar." And, taking it up, he added, as he looked at it, "The murder must have been committed with this."

"Leave it there," said Mr. Tracy. "Pray what did Mr. Roberts want with you?"

"Of that I can have no notion, sir," was the young gentleman's reply. "I did not even know that he had been seeking me, till you informed me of the fact just now." He saw that some suspicion was beginning to attach itself to him; but Chandos Winslow was not a man to suffer himself to feel personal alarm easily, and he remained so calm and self-possessed, that Mr. Tracy felt that some vague doubts which he had entertained had done him injustice.

"This affair," he said, at length, "is as

strange as terrible, and must be immediately inquired into further. Taylor, you remain here with one of the men till the constable can be brought up from the village. Then give the body and the hoe into his charge, and render him every assistance he may require; but nothing must be taken away or altered till the coroner, to whom I shall write immediately, arrives. Let everybody, too, avoid the spot where the crime was committed, in order that any traces which may perhaps be apparent to-morrow, though we have not been able to find them to-night, may not be effaced."

"It may perhaps be better, sir," said Chandos, "to keep the door by my cottage locked. Then the men will not pass that way to their work. Here is my key; I can go round by the house. Sandes has also a key, which can be fetched from him, if you like."

"Do you know when Sandes left the garden?" asked Mr. Tracy quickly, as if a new thought had struck him.

"A little before myself," answered Chandos. "I met him and his boy in the walk going homeward."

"And are you certain this crime had not been

committed before he went home?" was the next inquiry.

"Perfectly, sir," said Chandos; "for I must have seen the body if it lay by the fish-pond, as you said just now. Sandes must have been out of the grounds, if he went straight forward, before I reached the basin."

"It is all very strange!" said Mr. Tracy; and, taking the key, he left the spot, followed close by Chandos, and some of the servants. No further conversation took place, however; and the young gentleman, with a feeling of deep gloom, returned to his cottage, leaving fate to direct the course of events which had commenced so terribly.

CHAPTER V.

It was half-past eleven when Mr. Tracy returned; and Emily and Rose had retired to rest. He had been called out of the room on business, and neither of the two girls had an idea that anything painful had occurred which might render their waiting his return either a duty or a consolation to their father. Emily's days were days of hard labour; of constant combat with feelings wearing and oppressive; and she first proposed to her sister to go to bed.

"I am weary, dear Rose," she said; "weary of the world, and of myself. Perhaps I may sleep, and that would be a blessing."

Rose hung upon her neck, and wept; but she answered not in words, for she dared not counsel, and she could not console.

Mr. Tracy sat and wrote for some time after his return—to the coroner, to some of the neighbouring magistrates; and then he, too, retired to rest, excited, but not too much for sleep.

On the following morning he rose about half-past eight o'clock, and rang his bell. It was one of the footmen who appeared, and informed him that the valet had been summoned to attend the coroner's inquest, which had been sitting since seven.

"It is strange they did not inform me," observed Mr. Tracy.

"Why, Sir, Taylor said he had all the papers," replied the man; "and that it was a pity to disturb you, as you had not seemed well of late."

"Is Sir William Winslow up?" inquired Mr. Tracy.

"No, sir," answered the footman; "his windows are tight closed, and his man says he often sleeps till ten."

Mr. Tracy dressed himself, and went down stairs. He found Rose alone in the breakfast room, making tea, after having inquired if he had risen.

"Emily does not feel well, papa," she said; "and I advised her to remain in bed. But what is this terrible news my maid tells me—a man found murdered in our grounds last night?"

"Too true, my love," answered Mr. Tracy. "The coroner's inquest, it seems, is now sitting; and I am not sure that your evidence may not be required, Rose. I know you have a strong mind, my dear child, and a true heart; and therefore I trust you will not let the unpleasantness of such a circumstance pain you too much."

"My evidence!" cried Rose—"mine! What can I tell them? I saw nothing of the matter, or you may be sure I should have told you at once."

"Of course," replied Mr. Tracy. "But it seems that Acton, the head-gardener, must have been in the grounds, and nearly at the spot, within a few minutes of the time when the crime was committed. He says that he spoke with you at the basin, and then quitted the grounds at once."

Rose now felt how dangerous a thing it is to have any concealment from a parent. She

had gone on in perfect innocence with Chandos Winslow; she was accidentally a participator in his secret; she would have thought it base to betray it, even if she had not loved him; yet how much pain and embarrassment did the concealment in which she had shared, in which she must still share, cause her at that moment. She answered then with agitation and hesitation: "He spoke a few words to me at the basin as I was feeding my gold-fish, and left me as if to go from the garden. I was at the side of the pond after he quitted it. I am sure he left the garden directly."

Mr. Tracy marked his daughter's manner, and thought it strange; but he was not a very observant man; and his thoughts soon wandered away from that which he concluded was some merely accidental circumstance. "I must get some breakfast, and go down directly," he said: "so ring the bell, my love, and pour me out some tea. Where is the inquest sitting?" he continued, when the servant appeared.

"Down at the Cross-Keys, in the village," replied the man.

"Well, let me know when they come to view the body," rejoined Mr. Tracy; but the foot-

man informed him, that the part of the proceedings which he mentioned had taken place a full hour before. Mr. Tracy then ordered his horse in half an hour; but the first post came in earlier that day than usual. Several letters engaged his attention first, and then a paragraph in the newspaper; so that the horse was kept walking up and down for fully twenty minutes. At the end of that time he mounted and rode away; but, before he had been gone a quarter of an hour, the butler, who had taken a cross-cut over the fields, entered the breakfast-room, as if looking for his master."

"Papa's gone down to attend the inquest, Taylor," said Rose, who had remained in deep thought at the table. "Tell me what has taken place?"

"Why, ma'am, the inquest is all over," answered the butler; "and master will find them all gone."

"But what is the verdict, then?" inquired the young lady eagerly; "what have the jury discovered?"

"Why, I am sorry to say, Miss Rose," replied the man, who seemed to be made very unwillingly the bearer of bad tidings, "they

have given a verdict of 'wilful murder' against Mr. Acton, our head-gardener."

"Impossible!" cried Rose, gasping for breath. "He could not be the murderer; for he quitted the garden while I myself stood by the basin."

"He came into it again, Miss Rose," said the butler in a sorrowful tone; "his feet were traced straight from the hawhaw, back to the very spot where the dead body was found. Some of his clothes were bloody, too, and those the very clothes he had on last night. The hoe too, with which the poor old man was killed was his; and nobody can deny it is all very suspicious: and so they have sent him off to the county gaol."

"Nonsense! nonsense!" cried Rose; "it was not, it could not be he;" and darting out of the breakfast-room, she entered the adjoining chamber, cast herself into a chair and burst into a violent fit of tears. Then rising suddenly, she threw open the glass doors and walked out into the grounds, as if she were half-crazed, without bonnet or shawl. On she went straight towards the basin where the fatal event had taken place, hurrying forward with a

rapid pace, as if in hopes of discovering something which might exculpate her lover. She had passed through the first plantation, which lay within sight of the house, and was then going round by the walk which bordered a little second lawn, among the shrubberies, when she thought she heard a voice near, cry, "Hist! hist!" and turning round, she saw coming out between two of the stone-pines on the other side of the lawn, the gipsey-woman, Sally Stanley.

"Rose! Rose Tracy!" cried the woman; "hark to me, pretty lady; I have something to say to you."

"What is it?" cried Rose, advancing to meet her; "tell me, tell me quickly! I think I shall go mad."

"Amongst the trees, amongst the trees," said the woman, "where nobody can see us; though the gardener-people are all out of the way, revelling, as men always do, over the misfortunes of their fellow-creatures."

The day before, Rose would have been afraid to trust herself alone with that woman among the shrubberies; but anxiety for him she loved had extinguished all personal fear,

and with a quick step she led the way into a dark, narrow walk, seldom trodden.

"What is it?" she asked, as soon as they were beneath the boughs; "what have you to tell me?"

"I saw him, as they were putting him into the chaise," said the old woman, with a low voice; "and the constable let me ask him, what was to become of my little boy. I knew what the answer would be well enough; but I thought it would give him the means of speaking a word with me."

"What did he say? what did he say?" cried Rose, totally forgetting in her eagerness how she was committing herself to a stranger, of not the most reputable class of society.

"He said," replied the woman, "that the boy would be taken care of by the General, and then, in a quick whisper, he bade me 'tell her who would be most interested in his fate' not to be alarmed; for he could clear himself in a moment, whenever he chose to speak."

"Thank God!" cried Rose Tracy; and, clasping her hands together, she burst into a flood of tears.

The woman stood and gazed at her with

evident interest. "Ay," she said at length, "love's a pretty thing; but yet it breaks many a heart and turns many a brain. It turned mine once. But you'll marry him yet, pretty lady; I know it, and I have told you so."

Her words recalled Rose to herself; and the thought of how clearly she had exposed all the innermost feelings of her heart to that gipsey-woman, made the blood rise to her cheek till it glowed with crimson. Nevertheless, taking out her purse, she drew forth a sovereign, to reward her for the relief she had given; but the woman put it away with her hand, saying: "Not a penny—not a penny from one that he loves and who loves him. I will bring you news of him from time to time. And don't you be afraid when you see the gipsies near you; there is not one of them will hurt you. And he will be proved innocent, depend upon it."

A thought—perhaps I ought to call it a suspicion—suddenly crossed the mind of Rose Tracy. "Could the gipsies," she asked herself, "have any share, or any knowledge, of the crime which had been committed?" Here was one of them now in the garden, when she had every reason to believe the gates were locked.

Might not such have been the case with some of the men of the tribe on the preceding evening? They were a bold, reckless, lawless race; and any slight offence, any small temptation, might have led them, she thought, to commit such an act. Yet what was she to do? She was there alone with that strange woman; there might be others near at hand. She had no proofs; she had no legitimate cause even for imputiug to her people so terrible a crime. She dared not do it; and yet to save Chandos Winslow, what would she not have done? A tremor came over her; and she continued for more than a minute gazing fixedly upon the dark, sunburnt countenance before her, which, with all its beauty, had something wild and strange about the eyes.

"What is the matter?" asked the gipsey at length; "what do you fear?"

"Nothing, nothing," replied Rose. "But I would only say one word to you. Oh, if you know who has committed this crime! oh, if you can save an innocent man by revealing the name of the guilty, I adjure you, by all that is most sacred, to do so; I adjure you by the God that made us, by the Mediator who

saved us, by your feelings as a woman, by your feelings as a mother, if you would not one day see your own child condemned for crimes he did not commit, speak now, if you can give the name of the real murderer."

"Poor thing!" answered the gipsey, "poor thing! you love him very terribly. But be assured, that if I knew who had done this deed I would tell it at once, even if there was no such person as Chandos Winslow upon earth. The murdered man was a good man, and kind —kind to me and my people, when there were few to be kind. But it will be found out. Murdered men die; but the murder dies not; and it hunts the doer of it to death. Murdered men are silent; but their blood cries out from the dust, and makes itself heard. Murdered men are still; but there is an arm stretched out to strike the murderer, which faileth not, no, and shall never fail!"

She spoke like one inspired, with her dark eyes flashing, her round, beautiful arm raised, and the extended finger trembling in the air; then suddenly turning away, she left Rose silent and overpowered.

CHAPTER VI.

THE three following days were days of terrible activity; but that was what was requisite to every one at Northferry—even for peace. There was only one who took no part in all that occupied the rest—Emily Tracy. She was totally inactive. She did nothing, spoke little, hardly seemed to think.

Sir William Winslow was all fire and haste. When the news was first communicated to him, that his agent, Mr. Roberts, had been murdered in the grounds of Northferry-house, his manner denoted a severe shock; and when it was added, that the head-gardener, one Acton, between whom and Mr. Roberts there was some unexplained connexion, had been committed for the murder, he seemed to rejoice almost with a

fiendish sort of triumph. He declared he would spare no means to bring the fellow to justice—that he would pursue the rascal who had killed good old Roberts, as if he had slain a relation of his own. Then, however, he recollected what embarrassment and annoyance might take place, in regard to all the affairs that his steward had been conducting, just upon the eve of his marriage too; and he rode over to Winslow Abbey, drove to Elmsley, paying the post-boys enormously to go quick. He went hither and thither like lightning; never stayed in any place more than an hour or two; was quick and hurried in his conversation, though sometimes lapsing into fits of intense thought. He drank a great deal of wine, too, at dinner, at supper, even in the morning; but it did not make him tipsy; and he transacted much business in the most rapid manner. Indeed, it was necessary that he should do so; for the third day after the commital of Chandos was the time appointed for the payment of the sums owed by Mr. Tracy, and for the signature of the marriage settlements. The morning of the fourth the marriage was to take place; and Sir William had a thousand things to do before

that event. However, all was done. The agreement for the sale of the Winslow Abbey estate finally signed, part of the purchase-money paid, and received; Mr. Tracy's pressing debt discharged; and the marriage settlements of Emily Tracy and Sir William Winslow marked with the signature of both. Emily's name was written in a fine, clear, distinct hand, every letter as straight and as firm as if it had been a specimen of penmanship. Sir William's, on the contrary, was hardly legible; each stroke running into the other, some big, and some small, with a break here and there, as if the pen, or the hand, had refused to perform its office.

Mr. Tracy was occupied all day, and the part of several nights, in the business of different kinds which had lately accumulated upon him. He had many letters to write, many preparations to make; and he made the many more, the unimportant important. He saw little of his children, except at their meals. Emily's eyes reproached him, and perhaps Rose's still more; for she felt deeply—terribly, for her sister. But Mr. Tracy tried hard to steel himself. He recollected all the conventional cant of "romantic girls," and of "love coming after marriage;"

and of "those marriages being generally the happiest where reason was consulted rather than passion." But Mr. Tracy could not convince himself. He had lived too long out of the sphere of the great world for its cold sophistries to have much weight with him. He felt that he was destroying his daughter's happiness, if not affecting her health, and endangering her life; and the only tangible consolation he could apply to his own heart, was found in the reflection, that she must herself have shared in the ruin which her marriage with Sir William Winslow averted.

General Tracy was not at Northferry. Mr. Tracy had, with a cowardice not altogether singular, concealed from his brother the compact between Sir William and himself, till the old officer was in London; and had then written to tell him that Emily was engaged to the young baronet, and to be married immediately. Sheets of paper do not blush, which is a great relief to many who are doing weak, wicked, or foolish things. General Tracy had replied in a letter which Mr. Tracy had only read half through, and then burned, with a shaking hand; but as the day of the marriage approached, and he

knew his brother would arrive before it, he became uneasy, irritable, listening for carriage-wheels, and evidently working his courage up for an encounter that he dreaded.

It was not till the day before that appointed for the marriage, however, that General Tracy arrived; and his carriage passed the gate about an hour before dinner. He found his brother, Sir William Winslow, and Rose, in the drawing-room; shook hands with the former and the latter, and bowed stiffly to the baronet. For five minutes he talked of ordinary subjects, mentioned the world of fashion, and the world of politics, talked of the mutations of stocks, and corn, and men's opinions; and then saying, "I have a good deal of news to give you, Arthur, after dinner; but it will keep till then," he rose, and left the room.

General Tracy proceeded not to his own chamber, however; but walked straight to that of Emily, and knocked at the door. The well-known step was heard by her within, and the voice of Miss Tracy instantly answered, "Come in." The maid, who was dressing her, left the room; and the moment she was gone Emily threw herself into her uncle's arms, and

wept. "Oh, I am so glad to see you," she said!

"Calm yourself, dear Lilly," said General Tracy, "and speak to me two or three words with your own truth and candour. Answer me first one question."

"Stay, my dear uncle," said Emily; "you first answer me one. I am sure you went to London to seek means of relieving my father. He has told me all; and therefore there need be no concealment. What have you done to assist him?"

"But little, my dear child," answered her uncle. "There is every probability, indeed, of many of these speculations rising in importance ere long; but at the present moment, the sale of all the shares would not produce a sufficient sum to meet even the first pressure. Nevertheless, dear Emily, that must not be the cause of your whole happiness for life being sacrificed. I have seen the principal parties concerned; they seem ready to receive an offer I have made them, after having my estate valued; and if, as I fear, this proposed marriage is repugnant to all your feelings, it must not take place."

"After having your estate valued," repeated

Emily, in an abstracted tone; but then raising her head suddenly, she added, "my dear uncle, the marriage is not only proposed, but finally settled. I will not jilt any man. I will not ruin my uncle and my father. I will not retract my promise given. Thank you, thank you, dear uncle. Love your poor Emily ever; and your affection and my father's will be my reward."

Emily again cast herself into his arms to weep there; but General Tracy could make no impression, though he tried to shake her resolution. Her fate was fixed; her mind made up. She was not to be changed.

"What if I were to quarrel with, call him out, and shoot him?" thought General Tracy, as he retired from his niece's room to his own. "Why, it would be murder—that will not do." And, sad, angry, and discontented, he dressed, and went down to dinner. He was a gentleman, however; and he carefully avoided every subject which might lead him to show the irritation he felt. He did not, indeed, court conversation with Sir William Winslow; and his words, when any took place between them, were as brief as possible, but perfectly civil. Indeed,

when he looked at him, and saw his pale cheek and haggard eye, he felt inclined to pity him. "That fellow is creating his own wretchedness, as well as that of the poor girl," he thought. "What a fool he must be! He sees she does not love—never will love him; and yet he persists. If he must *buy* an unwilling wife, why the devil does he not go to Constantinople?"

A moment or two after, however, anxious to turn his thoughts from the most painful subject they could rest upon, he addressed Mr. Tracy, saying—"By the way, Arthur, let me hear something more of this horrible event which you just mentioned in your last letter; but which is filling all the London papers, with tales of blood. Is it true, that Acton has been taken up on suspicion?"

"Not only taken up, but committed upon the verdict of the coroner's jury," replied Mr. Tracy.

Sir William Winslow filled the tumbler that stood next to him with wine, and drank it off.

"The coroner's jury must be a pack of fools," said General Tracy. "Really, juries are becoming worse than a farce: a pest to the country.

I have not seen a verdict for twenty years that did not bear the stamp of prejudice, falsehood, or idiotcy upon it. There is a regular hierarchy of fools in England, proceeding from the coroner's jury to the grand jury, assisted by all their officers, from the coroner to the chairman of the magistrates. Rose, my flower, you do not seem well. Take a glass of wine with me."

"I do not wonder she turns pale," said Mr. Tracy, "when you call up such a terrible subject again, Walter."

"Well, let us try something better," said the General. "How is Fleming going on? Has he got his house in order, yet? all the great rooms papered and painted?"

"He has been absent for ten days," said Mr. Tracy, who felt at his heart that his brother had not been more fortunate in his choice of a topic this time than before. "He is not expected back for a month."

"I am sorry for that," said General Tracy; "he is the most agreeable parson I ever met with—a gentleman—a man of sense, of feeling, and of talent. Such a man is a great resource in a neighbourhood like this."

Rose raised her eyes imploringly to her uncle's face, then turned them towards Emily, and the subject dropped.

With such a beginning, how could the evening pass?

The next morning, at the hour of nine, Mr. Tracy's carriage conveyed four people, each enduring their own peculiar sort of wretchedness to the parish-church of Northferry. Emily was — or seemed — the least agitated of the whole party.

Sir William Winslow was there before them; and, in a few minutes, he and his poor bride stood before the altar. She was deadly pale; but she shook not, she wept not. She made no responses; but the clerk did it for her; for he was so much accustomed to marrying, and giving in marriage, that he could not refrain from playing the part of bride or bridegroom, as the case might be, whenever he saw or thought the parties were incompetent to play it for themselves.

At length there came something which roused the unhappy girl from the stupor of her misery. The ring touched her finger, glided up it, making her his with its cold chilling clasp.

It was over—the effort was complete—the struggle finished! the die cast! She was the wife of a man she detested! She felt it but for an instant. The next, she was lying like a corpse at her father's and her husband's feet —pale as monumental marble; and, to all appearance, as cold and lifeless, too.

They took her up, and carried her into the vestry; but nought they could do seemed to have any effect in restoring animation. Yet it was evident, that though the swoon was death-like, it was not death; and Mr. Woodyard was sent for in haste. Sir William Winslow gazed on her with a dark brow and a chilled heart. He felt that she hated him: he knew that he had marred her young dreams of love and joy; that he had made life to her like her own fine frame as it lay there before him—a body without a spirit. A cloud came over him, and snow fell from the cloud upon the fierce animal fire of his breast. As he remained, with eyes intent, and fixed upon her, some one opened the vestry-door, and a voice asked, "Is Sir William Winslow here?"

He turned suddenly round, and after looking at the man who made the inquiry—a man like

an ostler or a groom—he replied, "Yes: what do you want with me?"

"Please you, Sir William," said the man, advancing, and tendering a letter, "I was told to bring you this as hard as I could gallop from the town of S——; and I have not been more than two hours from post to post. I was to deliver it wherever you might be."

The baronet took the letter, and as he gazed at the superscription, a contemptuous smile curled his lip. "That will do, my good fellow," he said, without opening it. "I know whom it comes from."

"Ye'd better read, sir," said the man; "for the lawyer gentleman who gave it me, said it was matter of life and death."

"I don't think so," answered the baronet. But he broke the seal, nevertheless; and the moment his eye had run over the first lines, his countenance changed. He became, if possible, paler than her on whom he had just been gazing. He trembled in every limb. He could not at all restrain it; his whole frame shook.

"Good God! what is the matter now?" cried Mr. Tracy, looking up from his child. "What has happened, Sir William?"

"I must go," said the other wildly. "I must get over at once—I must leave you, Mr. Tracy—leave my bride—my wife. This Acton —this—this— Heaven and earth, how shall I act?—what shall I do?—He—he whom I—he is my brother—he knows—he is—my brother."

He let the letter drop as he spoke; but instantly picked it up again, and grasped it tightly in his hand. Mr. Tracy and the General, greatly shocked, and feeling for the agitation that they witnessed, though they knew not all its causes, pressed him to go over to his brother at once, leaving Emily to their care.

The young clergyman who officiated for Mr. Fleming, ventured quietly to say—he was of a somewhat strict school—"The marriage cannot yet be considered as complete, sir; and the ceremony had better be performed entirely again upon another day; for I have not yet joined their hands.'

Sir William Winslow gave him a fierce, impatient look, hurried out of the vestry, threw himself into his carriage; and, amidst the wonder and disappointment of the crowd of townsmen, ordered the postboys to drive to S——.

A moment or two after, Mr. Woodyard came

in. The surgeon was an old and dear friend; he was the first person who had held Emily in his arms when she came into the world; his love for her was almost paternal; and the sight of her in such a state, acting on his affection and his peculiar character, induced him in the very first instance to abuse everybody in the room in the most violent and outrageous manner. Her father, her uncle, even the curate and clerk had all some share of vituperation; but the moment the storm had blown over, he applied himself zealously to restore her to consciousness, and succeeded in about half-an-hour. As soon as she seemed capable of comprehending anything that was addressed to her, General Tracy bent down his head, saying, in a low voice, "He is gone, Lilly—he is gone, and will not be back for some time."

It was a strange topic of consolation for a bride to hear that her bridegroom had left her; but yet, it afforded to Emily the only comfort she was capable of receiving. She looked round the circle, she saw none but friendly faces, and a faint smile came upon her beautiful lips. Rose pressed her hand tenderly, and in doing so her fingers touched the fatal ring.

Without knowing well why—without pausing to consider—acting solely on impulse, Rose drew it gently off, without Emily being conscious of what her sister did. The moment it was done Rose was half frightened at her own act. But she recollected that the clergyman had said, the marriage was not complete, and she internally prayed to Heaven that it might never be rendered so.

A few minutes more, and Emily could sit up; but it was nearly an hour before Mr. Woodyard would suffer her to be removed to Northferry house. Once there, she returned immediately to her own room, with Rose; and an eager consultation followed between Mr. Tracy and his brother, in regard to the embarrassed circumstances in which the family were placed. General Tracy had much consideration for his brother — I might almost call it tenderness. He felt that he wanted vigour of character and power of mind; and he had all his life been accustomed to spare him, from motives of affection and a certain sense of dignity, which always prevented him from triumphing over weakness. In the present case he recurred not at all to the past; but, with his usual cutting

decision, he expressed his opinion upon the present and the future.

"The marriage is not complete, Arthur," he said; "and I thank God that it is not—hear me out, my good brother. The clergyman himself has pronounced, that the ceremonies required by the church have not been performed, and we are bound, as Emily's relations, to look upon it as no marriage at all."

"Then the whole will have to be performed over again," said Mr. Tracy; "which will be terribly distressing to the poor girl's mind."

"I never yet heard," answered General Tracy, dryly, "that a man who is going to be hanged objected to a respite, though the hanging might come after all. Emily will have time for thought, aye, and time for decision."

"I do not see that there can be any doubt to decide," said Mr. Tracy; "although, as you say, the marriage may not be complete, yet it has proceeded sufficiently far to be a bar to her union with any one else."

"I dare say she would rather never marry at all," replied the General, "than marry a man she hates. But, at all events, my dear brother, we can have lawyers' opinions on that point.

For my own part, I thank God for any obstacle."

"But you do not consider, Walter, the whole of this large sum of money which he advanced in my greatest need, must be repaid immediately, even if we hesitate."

"Damn the money!" cried General Tracy, his impatience getting the better of him. "Did I not write you word, Arthur, that the people who hold the most pressing claims were willing to receive my property in pledge for the payment?"

"But it was then too late," replied Mr. Tracy; "the whole matter was arranged; my word given, and Emily's."

"The whole matter is now disarranged," answered General Tracy; "and if Emily's reluctance, which is self-evident, continues unabated, I tell you Arthur, it is your duty as her father to sell your estates at any loss, to do anything, in short, rather than sacrifice your child. However, I am determined that if there be a possibility of rescuing her, I will do it. The point of law shall be ascertained immediately; and I would rather fight Sir William Winslow a dozen times over, than see our poor Lilly as I saw her this morning. If I

shoot him the matter is settled, and if he shoots me, I am sure enough that she will never have anything to say to the man who killed her uncle."

"Nonsense, nonsense," cried Mr. Tracy, "do not talk of such extreme measures."

"Why not?" demanded the General, "I have seen you going to shoot a much honester man than he is, Arthur, merely to deliver yourself from sudden embarrassment. Do you think I would not do the same, or be shot myself, to deliver that sweet girl from the misery of a whole life?"

Mr. Tracy coloured highly, but did not reply. The consultation, however, as so many consultations do in the world, proved perfectly in vain. The day passed over without the return of Sir William Winslow. General Tracy explained to Emily, first, what had so strangely and unpleasantly called away Sir William Winslow, and then that her marriage was not complete; that he and her father had determined that the ceremony, if performed again at all, should not be renewed for some weeks; and that in the meantime he would take the opinion of some eminent lawyers, as to how far

the engagement entered into was actually binding. He asked her for no decision on her own part. He hardly even hinted that she might be called upon to decide; and Emily gladly seized the present relief, and cast the burden of thought upon the future. More than once she looked down at her hand, however, and at length said, in a low voice, "Surely the ring was upon my finger, and now it is gone. Could it be a dream?" General Tracy could give her no explanation, and therefore he held his tongue; but he had the satisfaction of seeing that his niece's spirits in some degree returned during the evening; that from time to time she was even cheerful, although she often fell into deep fits of thought; and that on the whole, her mind was relieved by delay.

On the following morning the post from S—— brought a letter for Mr. Tracy, in Sir William Winslow's hand, the contents of which may tend to shorten explanations. It was very brief and to the following effect:—

"My dear Sir,

"I write with a mind terribly agitated. The horrible situation in which my brother is

placed, the doubts I entertain of the result of his trial, the disgrace and shame of such a proceeding altogether, quite overwhelm me; and I feel myself unable to face the world.—I hardly know what I write or what I am doing.—I have determined to quit England till the first scandal of this has passed by. My love for Emily is unabated—will never abate; but I dare not—cannot face all this. I will write again when I can calm my mind, and will return as soon as anything is sure regarding my brother's fate—at present I am half-distracted; but nevertheless,

"Yours ever,

"WILLIAM WINSLOW."

Emily was not down, and Mr. Tracy handed the letter to his brother, saying, "Some of our difficulties are removed for a time, Walter."

"A very strange epistle, indeed," replied General Tracy, when he had read it. "I think he is somewhat more than *half*-distracted."

"May I see it?" asked Rose; and her uncle gave her the letter. She read it attentively once—then read it again; and then she thrust it from her, with a shudder.

"What is the matter, Flower?" asked her uncle, as he marked her emotion; but Rose held down her head, with her eyes fixed upon the pattern of the table-cloth, and replied, "Nothing, my dear uncle; but that I do not think that letter is true. It does not seem to me sincere. I think there is something more under it."

"Rose, you are prejudiced," said Mr. Tracy; for weak people are always fond of being very candid. "You do not like Sir William Winslow, and you judge harshly of him. His faults were anything but those of a man wanting in sincerity—he was too vehement, too passionate for that. What makes you think that there is anything untrue in his letter?"

"Because he never showed the least feeling of any kind for his brother," said Rose. "I do not think all this agitation, all this distraction is natural, unless he is moved by stronger and more personal feelings than either regard for his brother, or fears of disgrace through him. But you must not ask me, my dear father, what I think, what I feel, or why. I have often heard you say, that women have more instinct than reason. God grant that my instinct be wrong in the present instance"

"Rose, Rose," cried her father, "this is really too much, my love. Be more generous; be more candid!"

"Well, papa," she answered, "I may be wrong, very wrong; but it would be a great satisfaction to me to know, if Sir William Winslow ever saw his brother yesterday—if he has taken any measures, or provided any means for his defence."

Rose, to her own horror and dismay, had been suddenly led very near the truth, by the doubts created in her mind by the wild and rambling tone of Sir William Winslow's letter. Two or three facts presented themselves to her memory in an instant, which, if she had not quite forgotten them, had not connected themselves before in her thoughts with the crime which had been committed. She now remembered that while speaking with Chandos by the side of the pond, she had heard the voice of his brother coming towards the very spot where the deed was done; she remembered that there was another voice also speaking in tones not familiar to her; and she also recollected that the sound of both was loud and angry. She dared not express what she thought, without further consideration; she

feared to cast an unjust doubt upon a man who might be innocent; but she determined, without the slightest consideration of how it might affect herself, to state all that she knew, if necessary, to Chandos Winslow's justification.

"You shall have your doubts solved this very day, my Flower," her uncle replied to her last words; "for I will go over to S——, and see our poor prisoner. I like the lad much; I am quite sure he is innocent; and I think with you, that this letter is not written in a natural tone. As soon as I have seen dear Lilly, I will have horses, and go."

General Tracy did not fail to execute the intention thus expressed; but it may be as well to state at once, what had been the course of Sir William Winslow, without waiting for the old officer's report. On quitting Northferry, the baronet sunk back in his carriage, and gazed forth from the windows with a straining eye, full of horror and dismay, for nearly a quarter of an hour. Then, with a start, he raised himself, and looked at the letter which he held crumpled up in his hand. He smoothed it out, he tried to read it; but his hand shook so fearfully, that he could with difficulty make out

the characters. "You had better quit England as soon as possible!" he repeated. "He is right—he is right!" Then turning to the page, he read—"I will not betray you—but facts may be elicited at the trial of a dangerous kind." "Not betray me," continued the baronet, commenting upon what he read; "to be sure he will to save his own life—I will not trust him—no, no! He is right. I will quit England. Shall I see him first? It might be better, perhaps.—No, I cannot, I will not.—I must try and be calm, however. People will suspect something. What shall I do with this?" and he looked at the letter. "I wonder how he got them to bring it without breaking the seal?—By the lawyer, I dare say.—I must destroy it."

"He proceeded to do so, tearing it into very minute pieces. But then he feared that they might be found, and put together again, and some he strewed upon the road from the carriage window, letting piece by piece blow away, each at a great distance from the other.

Some he let fall into the bottom of the carriage, taking care that they should be disunited from the rest, and that they bore nought but the

most ordinary words without the context. Some he actually ate. Do not let the reader think it improbable or exaggerated. He actually ate them. When he arrived at the inn at S——, he did not either walk or drive to the prison; but he ordered horses on to the sea-coast, and then entering the hotel, wrote the short note we have already read to Mr. Tracy. In ten hours his feet were no longer upon British ground.

CHAPTER VII.

It was in a cell of the prison of S——. The prison had not been modernized. It was not a red brick building picked out with white: a gaol in a harlequin's jacket. Nor was it a snug, freestone, gentlemanly house, with big fetters and a figure of Justice over the door, looking half asleep under her bandage, and ready to drop both scales and sword. It was an old-fashioned English prison—not a bit the better for that—heavy, massive, soiled with the smoke of manufactories, and turning its black unmeaning shoulder to the street, with one window looking out, like the eye of Polyphemus, over the huge mouth-like door, where so many victims went in. The interior accommodation corresponded well with the unpro-

mising exterior. Nobody could say he had been deceived into high expectations by the outside, when he found himself ushered into a cell of nine feet by six, with a grated window high up, a chair, a table, and a bed. It was just what the bricks in the wall foretold. There sat Chandos Winslow, by the table, with fetters on his legs. The magistrates were very fond of fetters. They fettered everybody and everything—even their own intellects—and they instantly fettered Chandos Winslow, though the utility of the thing was not apparent, seeing that he could sooner have eaten the prison than got out of it; and the injustice of the act was self-evident, for he had neither committed nor been found guilty of any crime "worthy of death or bonds."

Chandos was not alone, however. On the other side of the table sat a gentleman of a very prepossessing countenance, dressed in black, with exceedingly white linen. He was neither tall nor handsome, but his figure though slight was well formed, and his face, though certainly plain, was sparkling with high intelligence. There was a mildness in it too, which chastened the vivacity; and an earnestness

which gave depth to the whole. You have seen him, reader, have you not, either moving the hearts of the jury, and shaking the opinions of the judge; or pouring forth in the Commons those rich, clear streams of convincing eloquence, which carried heart and mind away with them? He is gone! The brief bright career is finished! The grave holds him! Peace to his ashes! honour to his memory!

And now he sat opposite Chandos Winslow, gazing in his face with those large, earnest eyes of his, and addressing to him a solemn and impressive exhortation. He had known him intimately for some years; indeed, they were distantly connected, for Lady Winslow had been a Devonshire woman; and the eminent barrister had come down at once, at a great sacrifice, to make himself master of his friend's case in person, more completely than he could have done, had he trusted alone to briefs and consultations.

"My dear Chandos," he said, "the very first thing between us must be perfect frankness. I have got rid of your solicitor, because he might be an impediment; but I must know exactly how you stand, in every respect, in order

that I may defend you to the best of my ability."

"Of course, F——," said Chandos, "you do not suppose me guilty of the murder of poor Roberts."

"Guilty of his murder, I certainly do not," answered the barrister; "but a man may produce death without being guilty of murder. Now you are all a very vehement family. Your father was hasty, your brother is still more so; and you are yourself not without a tinge of the family infirmity. You are by no means an unlikely man to strike a rash blow in a moment of passion; but all I say is, you must give me a clear view of all the circumstances, not for your own sake alone, but for mine; for you must recollect that a lawyer, if he be worthy of his calling—which is a high one whatever men may say—considers his own honour as involved in the manner in which he conducts a cause; and he never can do so well, without full and candid explanations on the part of his client."

There are various modes of smoothing the way to confession, and the great lawyer was trying one of them.

"All you say is very true," answered Chan-

dos Winslow, "and had I any acknowledgment to make, I assure you I would do it at once; but I give you my word of honour as a gentleman, I declare by everything I hold most sacred, that I had as much to do with this crime as you have."

"Well, I must believe you," replied the barrister; "I am sure you would not deceive me in such a case, and with such asseverations. But we must look at the case as it stands;" and he took some written papers and a note-book out of his pocket. "I have read the evidence as far as it goes," he continued, "as I came down; and I am bound to inform you, Chandos, that the case looks very serious. I find, first, that there was some dispute between you and your father's late steward, proved by a letter found upon his person. This may be a trifle; but stress may be laid upon it, and it may be magnified by other circumstances into a fact of great importance. Secondly: it appears that he came over to seek you at Northferry House, and went out into the gardens in search of you. Thirdly: I perceive that it is established beyond all doubt, that you were at, or very near the spot where the event

took place, at the time of its occurrence. A man named Sandes saw you going in that direction, as did also his nephew. They vary as to the time, I see: one says, it was not three minutes before five; the other, five or ten minutes. Something may be made out of that. Fourthly: it appears from the testimony of these two men, that you had a Dutch hoe in your hand at the time they met you. Fifthly: that a similar implement was found near the body, the edge being covered with blood and grey hair. Sixthly: the surgeon pronounces the wound which produced death to have been inflicted by such an instrument. And seventhly: that the hoe found belonged to you. Moreover, it is shown, that a few minutes after five, you returned to your cottage in great agitation, washed your hands, and threw away the water yourself. Nevertheless, some large marks of blood are found on the dress which you wore that evening; and it is at the same time shown, that though you might have quitted the garden without meeting Mr. Roberts, as you assert, yet you must have passed to and fro from the hedge to the very spot where the body lay, for there were traces

exactly fitting your shoe both ways, and one of the foot-prints was marked with blood, as if you had stepped in the pool which lay round the poor man's head when he was found."

Chandos listened with sad and serious attention till his friend paused, and then replied: "It is certainly, as you say, a case of heavy suspicion; and, what is more, my dear F——, I do not know that I can do anything to remove it."

The barrister looked very grave. "My dear Chandos," he said, "something must be done. You must give some account of your proceedings—you must make some statement—or you are inevitably lost. It is rare in instances such as this, where circumstantial evidence is all which judge or jury have to guide them, that so strong and unbroken a train is to be found against an accused person. In Heaven's name! say something—tell me something."

"To you, I will," answered Chandos; "but it is upon one condition alone, namely, that you give me your word of honour, not to use in my defence any of the facts I am going to state, without my permission."

"It is a strange request; and I cannot conceive the motives," replied the other; "but as you

have it in your own power to grant or withhold your confidence, I must accede, as your friend. Were I merely your counsel, I would refuse."

"Well then, on that condition, I will tell you all that occurred on that night, with the exception of one single fact," said Chandos; "and you will see that I could break to atoms this chain of circumstantial evidence in a moment, if I thought fit. But I do not. Some of the facts may be useful, perhaps, as you will turn them, and some I shall not object to have used in my defence; but others must remain for ever between your breast and mine. I was in the garden, then, when Roberts came to seek me. What he wanted, I do not know. I was close to the spot where he was afterwards found murdered, when he must have been in the walk leading thither, and not a hundred yards from it. I had laid the hoe, in a sloping direction, against one of the pillars of a little temple, covering a fish-pond, and was standing by the pond, talking to Miss Rose Tracy, when—"

"Stay, stay!" cried the barrister. "Did Miss Tracy know who you really are?"

"Rose did; not Emily," answered Chandos;

"we had met before; and she has known me all along."

"Ah! then the strange whim is accounted for," said the other with a smile.

"Not quite," replied Chandos; "but I do not mean to conceal from you that I love her. However, I was talking with her by the fish-pond, when we suddenly heard the voices of persons coming quickly towards us; for poor Roberts must have met another person in the grounds, after inquiring for me at the house. Rose recognized one of the voices; I both: and, as I had the strongest reasons for not wishing to be found there by one of the persons who approached—"

"Mr. Tracy?" asked the barrister.

"No," answered Chandos, in a decided tone; "quite another person. But as I did not choose him to find me there, while Miss Tracy made her escape up one of the paths, I ran straight to the hedge, leapt it, and stood in the ditch of the hawhaw for some time, concealed by the hedge. While there, Roberts and the other person approached. They were evidently in high dispute—indeed, they never agreed; but now, it would seem, Roberts lost

all respect; and when they were just opposite the fish-pond and the little temple, the other person struck him a blow with his fist. Then, perceiving the hoe, he snatched it up, and hit him with it, twice, upon the head. I got over the hedge directly, resolved to interfere, though I knew I should be recognized at once; but before I could make my way over, poor Roberts lay dead upon the ground, and the other person, hearing, and perhaps seeing some one coming, had fled."

"Your brother!" said the barister, in a tone of full conviction.

"Not even to you, my dear friend, will I say who that person was," replied Chandos, "Suffice it that I raised poor Roberts from the ground, covered my hands and coat with blood, and perhaps my feet also. I soon found that life was quite extinct; and, in horror and anguish, which I will not trouble you with describing, I laid the body down again, and returned to my cottage, in the hope of escaping all question as to the perpetrator of the crime. At first, I never thought that suspicion might attach to myself; but when I began to look at the matter more closely, I saw the danger in which I stood. I then con-

sidered my course; and I made up my mind never, under any circumstances, to shield myself by accusing the person really criminal. You must, therefore, according to your promise, let me know precisely what line of defence you are inclined to adopt; for I will not consent to anything being done by me or for me to point suspicion against another."

The barrister fell into deep thought, and for many minutes he uttered not a word. He was arranging all the facts and circumstances with that wonderful precision which, when he pleased, rendered the most dark and intricate subject as clear as noon-light. "Your position, my dear Winslow," he said at length, "is indeed a very painful and very difficult one; but I must exhort you, as a man of honour, and a respecter of the laws of your country, not to let any personal feelings impede the course of justice."

Chandos waved his hand. "There is no law," he said, "which could require me to denounce the guilty in this instance."

"Oh yes, there is!" replied his friend: "no tie should throw a shield over a murderer. But I can understand your feelings, and respect them. However, your own life must not be

risked; and it is now for me to consider how, if I hold my promise to you, I can frame a reasonable and legitimate defence. If you simply plead 'Not guilty,' and give no account of yourself which may break through the chain of evidence against you, there is not a panel in all England that will not condemn you. If you state openly what you saw and heard, there may still be great doubts and difficulties to contend with: the probability of your having killed your father's steward will seem greater to a jury as the case stands at present, than that your brother did so."

"Good God! why?" demanded Chandos.

"Because, in your case," answered the barrister, "a letter was found upon the dead man, showing that some irritation of feeling had taken place between you; and in his case there does not appear at present any reasonable motive for the act. As far as I see things at present, then, I believe that the best course will be to follow the line you would yourself desire—to leave the matter vague; to let suspicion float generally of the crime having been committed by another without giving it a particular direction."

"But how can that be done?" asked Chandos, in amazement.

"Very easily," replied the barrister, "if your fair Rose be willing to give her evidence, and have sense enough to give it in a particular manner. If she will but swear that while talking with you near the fountain or fish-pond, she heard the voices of two persons approaching, and that those voices seemed to be speaking in angry tones, it will create a doubt in the minds of the jury of which you will have the benefit. She must stop there, however, and not enter into particulars. Nor must you, in whatever defence we frame for you—which will require much consideration; for the blood on your clothes and hands must be accounted for as well as many other circumstances — nor must we, I say, unless with some corroborative proof, let you cast the charge upon your brother; for it unfortunately happens that you have long been upon bad terms with him; that your father's will has added other causes of family dissension between you; and that you are next heir to his property. Under these circumstances, if you were to accuse him when you are yourself accused, without being able to

bring very strong corroboration, and to show some reasonable cause, you would only create a prejudice against yourself, which would inevitably destroy you. I will think over it all; but as far as I see at present, we may very well say, that of the two voices which you heard as well as Miss Tracy, you recognized one as that of Mr. Roberts; that not wishing to be recognized before a third person, you had sprung over the hedge, which perhaps Miss Tracy can confirm; and that from the other side of the hedge you saw a blow given on the head to the unfortunate victim, by a man who fled immediately. Luckily, not being subject yourself to cross-examination, there will be no opportunity of asking you, if you knew the person of the assassin. The want of explanation on this point will certainly be an omission which the counsel for the prosecution will remark upon; and therefore we must make the whole statement as brief and laconic as possible, leaving out even some other facts of moment, in order that this may not stand alone. But we must notice particularly your having returned and raised the dead body. The difficulty will be to account for your not giving immediate infor-

mation; and that will be very hard to get over. I think I can manage it, perhaps, by some bold figure or daring appeal to the credulity of the jury. All, however, will depend upon Miss Tracy; and however irregular the proceeding may be, her I must see and converse with. I go to town to-night; to-morrow and the next day I am engaged; but I will see her on Saturday; for I suppose the trial will come on before the end of the next week. The calendar at —— is light; so that we shall have the judges here very soon."

He ceased speaking. Chandos did not reply, and both sat in silence for several minutes.

The lawyer saw that there was a great and terrible probability that the course he proposed to pursue—the only one open to him—would not be successful. A sort of intuitive feeling that it was a desperate game, came upon him. There was a want of confidence in the arrangement; a want of trust in his own powers to carry it out successfully, which oppressed him. The truth was, it was what may be termed a mixed case. He was certain of the innocence of his client, yet he was obliged

to pursue as tortuous a course as if his client had been guilty. The combination perplexed him. Could he have met the charge with a bold and open defence, with no concealment, with no reserve, he would have found no difficulty. Had he only had to make the best of a bad case by legal skill, he might have disliked the task, without any apprehensions of the result. But now to defend a just cause insincerely; to prove the innocence of his friend, without showing the guilt of that friend's brother; to keep back portions of the truth, when the whole truth, if it could be proved, was Chandos Winslow's best defence, puzzled and cowed him.

Chandos was filled with very different feelings; and I much doubt whether I shall be able to convey to the reader any adequate idea of his sensations at that moment. A sort of despair had come over him—a self-abandonment—a loss of the bright hopes and strong aspirations which had lately supported him—a paralysation of some of the great energies of his nature; while others—the powers of passive endurance—seemed strengthened and acuminated. He was disinclined to struggle

further with fate. Fortune had proved so adverse, whichever way he turned, that he hoped not for her favour; and he was unwilling for a bare chance to expose her he loved to all the pain and grief of a public examination in a court of justice; to the badgering of rude second-class lawyers; and, perhaps, to insinuations which he would rather have died himself than have brought upon her head.

After a long silence, then, he tried to explain his feelings to his companion; said he would rather not subject Rose to such agitation and distress; that he was ready to rest upon his own innocence, and to endure the worst, if that did not avail him.

But the barrister shook his head. "Not so, Chandos," he said, rising and taking his hat. "I will see Miss Tracy. I will ascertain her own views. Afterwards, I will frame your defence as best I can, upon the grounds laid down. But mark me, my good friend. I have a duty to God and my own conscience to perform; and if I should fail of convincing the jury of your innocence, I will tell the whole to the advisers of her majesty."

"But you have promised—you have pledged your honour!" cried Chandos.

The barrister wrung his hand hard. "Remind me of that afterwards," he said, "and I will prove my confidence in your innocence by fighting you." Without waiting for a word of reply, he retired.

CHAPTER VIII.

THE lock of the door grated again, within half-an-hour of the time when his friendly lawyer left Chandos Winslow. It had a harsh sound to his ear, that heavy lock, whether it opened to admit or give exit to a visitor. It must always be so with a prisoner; for though he may long to see a friendly face, though his hear may yearn for the dear embrace and the look of love, yet there are always sad drawbacks in the anguish, and regret, and fear of those who come, which all seem to speak out in that rough grating sound.

"General Tracy is here, Mr. Winslow," said the turnkey, putting in his head, "with a magistrate's order to see you, if you like him to come in."

"By all means," answered the captive; "I shall be happy to see him;" and in a minute after the old officer was in the cell.

He advanced straight towards Chandos as an old friend, and shook him warmly by the hand: "Well, Mr. Gardener," he said, with a forced laugh, for his heart was sad, though he sought to be cheerful, "see what are the consequences of a whim; but I trust they are not likely to be long as well as heavy—though disagreeable they must be."

"No one can tell the result, my dear sir," answered Chandos. "I feel deeply grateful for your kindness in coming over to see me; but I can assure you I have the cord and the gibbet before my eyes as the very probable termination of what you call a whim, but which I cannot help thinking may deserve a better name."

"The cord and the gibbet!" exclaimed General Tracy; "nonsense! I for one feel certain of your innocence; and I trust that the time of judicial murders is past."

"Judicial, but not juri-dical, if I may make a sorry jest in sorry circumstances," answered Chandos. "Do you think, General, that there

are no innocent men hanged in England even in the present day?"

"God forbid that I should be such a fool," replied General Tracy. "Juries have now-a-days a great leaning to the side of mercy: they hang very few men comparatively, but it is always the wrong men. So far I agree with you—your innocence is decidedly against you; but still let us hope that if the case is very glaring the judge will recommend you to mercy. But, as you say, these are sad, bitter jests, my young friend. All that I see before me, around me, is painful, and I must be serious. Our method of treating prisoners before trial is a disgrace to a civilized age and a civilized nation. We have, in the first place, no regular law to rule the whole system. We have a regular principle which the law recognises, but which it breaks from the very beginning. 'Every man is to be considered innocent till he is found guilty,' says the law; but, whatever he is considered, he is treated as guilty of something, till he is found innocent of the charge on which he is committed. Every bench of magistrates varies its doctrine as it thinks best; but they all agree in taking

measures for a prisoner's safe custody which the object does not require or justify, and in punishing him for being accused, before it is ascertained whether he is criminal or not. The very deprivation of liberty is an injustice towards an innocent man, for which the country that requires it should make compensation the moment he is acquitted; and every aggravation of that great hardship, inflicted by one or more magistrates, ought to be punishable as a misdemeanour. Here I had the greatest possible difficulty in getting an order to see you, and till that order was obtained the prison doors were shut against me. What an aggravation is this of the loss of liberty! Not only are you debarred the free use of your limbs, of your ability, of your will; but you are deprived of the comfort of sympathy, of the words of friendship, and affection, of the very sight of loved faces and familiar tones. Better far, as has been practised in several nations, to shut you up in a cage and let all your friends, if they would, come and speak to you through the bars."

"I fear," answered Chandos, "that the state of society requires a great many safeguards,

which inflict innumerable individual hardships. To prevent a prisoner's escape, to prevent his suborning testimony, and arranging a factitious tale with those without, may justify many precautions."

"Does society take as much pains to prevent the subornation of evidence against him?" asked General Tracy; "does it take pains to prevent or punish the light and wanton, or the ignorant and stupid committal of an honest man to the same infliction of imprisonment and privation which is assigned by the law to a convicted rogue. No, no, Chandos Winslow, it does not. Society is full of evil conventionalities, and the cases of individual hardship are so numerous, that I much doubt whether the benefits of society in its present state compensate for the evils. Nor is this all, my good friend: its operations are all iniquitous—iniquitous in their benefits as well as in their wrongs. One man is as unjustly exalted as another is abased, with a few splendid exceptions, just sufficient to prove the general rule. Society is, in fact, the concentration of the whole world's selfishness. But one sort, even of conventional virtue, is successful at any time, and it

is extolled beyond all praise, rewarded beyond all discrimination; but one class of vices is punished, and it is persecuted rather than chastised. The very charge of one of the proscribed sins is sufficient to entail upon a man a punishment fit for a heinous offence, and in every other sort of wickedness, a sinner within convention may revel at his will."

"Nay, you are too severe, General," replied Chandos; "I suffer; but yet I do not think that society inflicts more hardships upon individuals than is perhaps inevitable."

"You say so because you have been accustomed to look at these things under one aspect alone," answered General Tracy. "Now, think how many committals take place in the course of the year in proportion to the convictions. Those can easily be ascertained; for the reports are published. Then, again, consider how many of the innocent are condemned, and you will find that an amount of punishment has been inflicted upon people who do not deserve it, which is more than should be necessary to chastise proved crime in any well organized state of society for a population of double the extent of that of Great Britain."

"But you assume," rejoined Chandos, "that all who are not convicted are innocent, which perhaps may not be exactly the case."

"I assume what the rule of society justifies, and no more," replied General Tracy. "Every man must be considered innocent till he is proved guilty."

"Besides," said the prisoner, "I hope that few of the innocent are really condemned, even if many of the guilty do not escape."

"Multitudes are condemned every day," replied his visitor. "I saw a woman condemned some time ago, a woman in a high rank of life, for stealing in a shop. She had taken up something off a counter, and carried it away with her. It was in vain that her habits, her station, her previous character, her fortune, the very money in her purse at the moment, were brought forward to prove the improbability of her filching a toy worth half-a-crown; the jury condemned her as a lady thief, and probably would have been hooted had they not done so. And yet the very same accident which sent her into a court of justice, occurred to me not ten days ago in London. I went into an inn where I am well

known, with my mind full of anxious thoughts, and sent up to see if a gentleman I wished to speak with was at home, while I remained in the coffee-room. I had an umbrella under my arm. There was another lying on the table near which I stood. I found that the person I asked for was out; and, without thought, I took up the second umbrella, and walked away with it. The waiter did not remark what I was doing, and I had got to the end of two streets, when, to my horror and consternation, I found that I had one umbrella in my hand and another under my arm. It is a fact, I can assure you. I carried the umbrella back instantly, and found the whole house being hunted for it. 'Remember, my good friend,' I said to the waiter, 'if ever you are on a jury where no sufficient motive can be assigned for an offence, that it is well to doubt before you condemn.'"

"And what did he reply?" asked Chandos.

"'Very well, sir.—Number six ringing his bell!'" said the old officer; "and if the next day he had been on a jury with a lady-thief case, he would have found the prisoner 'guilty,' and forgotten the umbrella."

"I am afraid, then," said Chandos, thought-

fully, "there is very little chance of my being acquitted."

"That does not exactly follow," replied General Tracy. "But you bring me back to the subject from which I have wandered wide. I trust there is no chance of your being found guilty; for I feel perfectly convinced of your innocence myself. You could have no motive for killing your brother's steward."

"Who was always attached to me from my youth," added Chandos; "and for whom I ever felt a sincere regard and affection. I wrote him a letter, indeed, in somewhat cold and formal terms, in regard to his having opened the drawers in some rooms, the whole contents of which were left by my father to myself without any reservation; but I did so because I thought that he had made the examination of which I complained by the orders of another. I also wished to render the letter such as he could show, in case of need, as a demand on my part, that whatever documents were found in those rooms should be safely preserved for me. This is the only matter in which human ingenuity can find the shadow of motive for such an act as I am charged with."

"That will not prove basis sufficient for their accusation," said General Tracy; "and doubtless, my young friend, if you are well defended, the whole case against you will fall to the ground. But let me ask you, if you have taken any means to ensure that good counsel shall be retained on your behalf?"

"The best in the land," answered Chandos Winslow: "Sir —— left me a short time before you were kind enough to come to see me."

"That was, of course, at your brother's request," said the old officer.

"Not in the least," replied the prisoner, sternly; "My brother and myself, General Tracy, have unfortunately not been friends for some years, and are less likely to be so now than ever. Sir ——, on the contrary, is an old and dear friend of mine; and the moment he heard of my situation from the worthy solicitor in this town, who wrote to him at my request, he came down to see me himself. My cause could not be in better hands."

"Assuredly," answered General Tracy. "But am I then to understand that your brother has taken no measures for your defence? that he has not been to see you?"

"That he has taken no steps I cannot say, for I do not know," was Chandos Winslow's reply; "but I should think it most improbable. To see me he has assuredly not been. Nor would I have admitted him willingly, if he had come."

"It is very extraordinary," said General Tracy; "he received a letter suddenly, in the vestry of Northferry church, which we all understood came from you, and he set out immediately for S——, in order to see you."

"The letter doubtless did come from me," replied Chandos; "for I sent one to him privately, by the intervention of my solicitor. But if he ever intended to visit me here, he changed his mind by the way; for certainly he did not come."

General Tracy mused for a moment. Rose was evidently right in her suspicions. The letter of Sir William Winslow was not natural. He felt no affection for the brother by whose situation he pretended to be moved so much. Even the honour of his house could not be at the bottom of all the agitation he displayed, if he had taken no measures for his brother's defence. Did Ge-

neral Tracy's suspicions extend further? Perhaps they did; but if so he suffered them not to appear, but proceeded to touch delicately upon some of the principal links in the chain of evidence against his young companion, leaving him to give any explanation if he thought fit.

Chandos listened for some time in silence; but at length he cut short the observations of the old officer by saying, in a firm and placid tone, "My dear sir, it is as well to tell you at once, that there are particular circumstances which will prevent me from explaining, even at the trial, many of the facts to which you allude; and if inferences to my disadvantage are drawn from my silence, I cannot help it. The motives which actuate me in the line of conduct I have resolved to pursue are in no degree personal. In fact, I could clear myself—at least I think so —of all suspicion in five minutes; but I cannot or rather will not, employ the necessary means to prove my complete innocence. Doubtless my counsel will adopt a good line of defence, and I must leave the rest to the will of God."

"Many persons," replied General Tracy, "would look upon you as guilty, because you

do not choose to explain everything. I am not one of them, however, my young friend. It is a trick of women and the world to suppose evil in all that is not made clear; but I can easily conceive that there may be things hidden by a man, which imply no guilt in him; and, to say the truth, if I had doubted your innocence of this act, I should have been convinced of it by your unwillingness to account for many of the circumstances which give weight to the charge against you."

"Many thanks, my dear General, for your good opinion," said Chandos, "though I do not see exactly how you deduce your effect from your cause."

"By one very simple process," answered the General: "though it is a vulgar error to suppose that terror always follows guilt, yet every guilty man when placed in a situation of danger strives eagerly—generally too eagerly—to escape punishment, and devises some means of explaining away facts which tell against him. Now the absence of all effort on your part in that direction would be sufficient for me were there nothing more. But I will tell you, Chandos Winslow, that there is something

more. Your resolution to withhold explanation excites suspicions, not in regard to yourself, but in regard to others, which I will not now attempt to define; and undoubtedly as soon as I return to Northferry, I will cause inquiries to be made for the purpose of confirming or removing those suspicions. And now tell me, is there anything I can do for your comfort? What means can be devised of solacing the weary hours of imprisonment?"

Chandos Winslow thought for a few moments deeply, and then replied, holding out his hand to General Tracy, "I thank you most deeply for your kindness; but let me entreat you not to suffer anything I have said to cast a suspicion upon others. I have no one to accuse. I meant not in the least to imply that I am aware of any facts connected with this sad event. I have my own reasons for the course I follow; but to explain them would be to debar myself from that course. What you are pleased to do in the matter, I cannot help; but pray let no inquiries be founded upon or directed by anything I have said."

The old officer bowed his head gravely, but merely replied, "What can we do to

give you amusement during your confinement?"

"Oh, books, General," answered the prisoner; "that is the only solace allowed me here. If you could send me some of those at my cottage, you would indeed confer a great favour; for Time flies heavily when my own dull thoughts bear down his wings; but I have often found that the current of imagination, when directed by authors that we love, has a buoyancy which bears our dull thoughts away upon the stream, till we lose sight of them in distance."

"You shall have your whole library before to-morrow night," replied General Tracy; "and now farewell. I will see you again; but if in the meantime I can serve you in any way, write to me at once." Thus saying, he left him; and immediately on his arrival at North-ferry-house, he inquired strictly of all the servants if they had seen any one go out into the garden or return from it on the night of the murder, and at the hour when it was supposed to have taken place. Only one person, the second footman, recollected any circumstance of the kind, and he could give no defi-

nite information. He said, however, that just after sunset, as he was shutting the dining-room windows, he saw somebody pass into the house through the conservatory. He thought it was like the figure of Sir William Winslow, but he could not affirm that it was so; and with this confirmation, weak as it was, General Tracy was forced to be satisfied for the time.

CHAPTER IX.

Rose Tracy sat in her own room, with her head resting on her hand. The tears were streaming from her eyes; and yet the expression of her countenance was not altogether that of grief. It seemed more as if her heart and feelings had been touched for another, than as if she were affected by personal sorrow. Such indeed was the case. The letter before her was from Horace Fleming. It was the first she had ever received from him; and it was couched in language which was guarded by delicate feeling towards her sister, while it plainly suffered to appear the deep anguish of spirit which he himself endured.

After wiping the tears from her eyes, she re-read several detached passages from the

letter, which we may as well place before the reader:—

"You will think it strange, my dear Miss Tracy," was the commencement, "that I should venture to write to you; but you have not only taken a kind interest in me, and in feelings which I know you saw without pain; but you also interested yourself much in the poor of my parish, and in the schools which I had established. However, I will not make an excuse which is not sincere for writing to you, for I have no one to whom I can pour out the feelings of my heart but yourself; and I should have written had my poor and my schools been out of the question. Your sister, of course, I cannot venture to address, though I should wish her to know that morning and night I offer earnest prayers for her happiness, and beseech Him from whom alone all good things come to avert those evils from her which I, perhaps weakly, apprehend. I would not have her made aware of the sorrow and disappointment I myself endure; for, if hers is a cup of joy, the grief of a friend would but turn the sweet drops to bitterness; and if it be already bitter, I would not for anything that earth can

give, add to the sorrow of one so well deserving happiness."

After some further expressions of the same kind, he went on to say, "Do not suppose, however, my dear Miss Tracy, that I give myself up to grief; I trust that my religious feelings are too strong for that. I struggle hard to cast all sorrowful thoughts from my mind. I occupy myself all day in the duties of the small living I hold in this part of the diocese, and I leave nothing undone—not to drive your sister from my mind—but to reconcile myself to the knowledge that she is lost to me for ever, and to bow my heart humbly before the will of God. Nevertheless, I think it will be wise for me, in all respects, not to return to Northferry for some months; for I must avoid everything that can reawaken regret, and make me discontented with the lot which it has pleased God to assign to me. Under these circumstances, I will request you, in your kindness, to do one or two things for me in the parish; for my curate, though an excellent man, has not much experience, and moreover cannot be so well acquainted with the wants and character of the people of the place as yourself."

I will not pause upon all the details he gave, nor mention whom he recommended to Rose's bounty, nor to whom he called Mr. Tracy's attention; but will proceed at once to another part of the letter, which was the only portion thereof in which Rose could be said to have a personal interest.

"I have seen in the daily papers," continued Mr. Fleming, "some most extraordinary statements regarding a horrible event which has taken place at Northferry, in your own grounds. I allude, of course, to the murder of Mr. Roberts; and I am shocked to find that an innocent man has not only been charged with the crime, but has actually been committed for trial on the coroner's warrant. From your father's account of his head-gardener, who under the name of Acton excited so much wonder by his erudition, I was speedily led to believe that he was superior to the station he assumed. To hear therefore that he was in reality no other than Mr. Chandos Winslow, did not excite in me the same surprise which it did, I dare say, in others. I never spoke with him but once; and then he affected a certain roughness of manner, mingled strangely enough with quotations from Roman

poets ; but I saw him several times at a distance in your grounds, and felt sure from his walk and carriage that he was no ordinary man. I was informed accidentally of his relationship to Sir William Winslow the night before I left Northferry ; but little expected to hear such a charge against him. Doubtless he will be able to prove his innocence ; but still such things ought not to be left to chance, and I shall therefore tender my evidence, which, if the statements in the newspapers be correct, must have some weight."

The letter was dated from Sandbourne Vicarage, a place about forty miles distant, on the other side of the county ; and Rose had just finished looking over it again, when her maid entered her room to tell her that a gentleman from London was below in the library, and wished to speak with her immediately. At the same time the girl handed her a card, on which was printed a name of which she had no knowledge, except from having seen it mentioned frequently in the public journals, as that of the most eminent barrister of the day.

Putting the letter she had previously received into her bag, she went down with some degree

of trepidation to the library, to meet a complete stranger, at a moment when her mind was by no means disposed to society of any kind; but her visitor soon put her at her ease, by the winning gentleness of his manner.

"I have to apologize Miss Tracy," he said, "for intruding thus upon a lady without any proper introduction; but my anxiety for the safety of a very dear friend must plead my excuse. Chandos Winslow, whom I think you know, and whom you must at all events be acquainted with under the strange guise of a gardener, is an old and intimate acquaintance of mine; and I have undertaken, against my ordinary rule, to conduct his defence, in the painful and dangerous circumstances in which he is now placed."

"Oh, I am so glad to see you," said Rose; "but your words frighten me. I had hoped that it would be perfectly easy to establish his innocence, of which I am sure you can have no more doubt than I have."

"None," answered the barrister; "but I must not deceive you, my dear young lady. His case is one of very great danger; for there never was a stronger chain of circumstantial

evidence against any man than against him. But let us sit down and talk the matter over calmly;—nay, do not weep;—for on the evidence that you can give, may very likely depend the result of the trial."

Rose nevertheless wept only the more from that announcement; for to think that the life of the man she loved might depend upon the manner in which she told a tale, simple enough, but susceptible of being turned in various ways by the skill of any unscrupulous counsel, did not at all tend to decrease her agitation.

"This is very foolish of me," she said, at length, drying her eyes; "but I shall be better in a moment. Pray go on: what is it you wished to say?"

"I am altogether stepping out of the ordinary professional course, Miss Tracy," replied the barrister; "but I have thought it better to see you myself rather than trust the task to another, in order to ascertain the nature of the evidence you can give; first, for the purpose of judging whether it will be expedient to call you at all on the part of my friend Winslow; and secondly, that I may so direct the questions to be put to you in your examination in chief as to prevent the

cross-examining counsel from torturing you, or damaging the case of my client. Winslow tells me that he was speaking with you the moment before he quitted the garden. Now mind, in anything I say, my dear young lady, I wish to suggest nothing; for, in the first place, I am sure you are incapable of falsehood; and in the next, nothing can serve our friend but the simple truth."

"But that is quite true," said Rose, "he was speaking with me near a little basin of gold and silver fish, close by the spot where the body was afterwards found. He then ran across the path and the greensward beyond, and jumped over the hedge just above the haw-haw. I can show you the precise spot."

"By and by that may be useful," said the other; "but at present tell me, if you have no objection, what made you part so suddenly?"

Rose coloured a little; but she replied frankly, "We heard the voices of two people coming down the arbutus walk, as we call it—a path bounded by evergreens, which leads, with several turns, into the broad walk past the fish-pond."

"Were the persons speaking at any great distance?" inquired the barrister.

"In a direct line, I should think forty or fifty yards," she answered; "but by the arbutus walk more than a hundred, I dare say."

"Then were they speaking loud that you heard them so far?" asked her companion; "or only conversing quietly?"

"Oh, they were speaking very loud and angrily," replied the young lady, "Sir William Winslow especially."

"Then Sir William Winslow was one of the speakers," said the barrister.

Rose coloured a good deal, and was evidently agitated, but she answered, "He was, beyond all doubt. His voice is very peculiar. It was raised high; and I can have no doubt of it."

The lawyer played slowly with the eye-glass at his button-hole, and looked her full in the face; for he saw that there were suspicions in her mind; but he answered deliberately and with some emphasis: "We will avoid that point, Miss Tracy, in the examination in chief, and, if possible, so frame our questions as to give the opposite counsel no opportunity of inquiring who was the speaker; but, nevertheless, you may be pressed upon the subject, and

then of course the truth must be told, whatever be the result. Where is Sir William now?"

"He has gone to the Continent, I believe," said Rose, with some embarrassment.

"And probably has taken with him the servants who were here during his stay," said the lawyer, drily: "nevertheless, we may get at some facts regarding him, perhaps, from your own domestics. But you will swear he was in the garden at that hour, should it be needed?"

"Without hesitation," answered Rose.

"And that he was conversing in loud and angry tones with some other person?" continued the barrister.

"Undoubtedly," she replied.

"Did you know the other person's voice?" asked her interrogator.

"No; it was quite strange to me," answered the lady. "It was not the voice of any of our own people, I am sure; but I remarked that he had a slight hesitation in his speech; for when he said 'No, Sir William; I tell you I will not,' he stammered at the word 'tell.'"

"You heard him say that?" inquired the lawyer.

"I did, distinctly," she answered; "but that was after Mr. Winslow was gone."

A long pause succeeded, during which the barrister seemed totally to forget Miss Tracy's presence, and leaned his head upon his hand, looking forth from the window with an air of anxious thoughtfulness. At length he said, as if reasoning with himself, "Perhaps it might do—yet it would be a hazardous game—but what is not? I must remember my promise, however, and that will turn the balance." Then again he paused and thought; but at length turning to Rose, who began to feel her position somewhat embarrassing, he said, "I thank you very much, Miss Tracy, for your frankness, and will make use of your evidence to a certain extent. It may not be necessary to enter into all the particulars, and the best way under examination and cross-examination is to answer perfectly sincerely and frankly the exact question that is asked, without going at all beyond it. I say this because it must be a painful thing at any time for a young lady like yourself to be put into a witness-box. It is true, a better feeling exists at the bar at present

than was to be found some thirty or forty years ago. We do not now think it necessary to brow-beat a witness, nor clever to puzzle one, unless we find that there is a determination to conceal the truth or to pervert it. However, I shall tell the solicitor in the case to apply to your father, who I find is out, for a list of all the servants in the family, who could, perhaps, be serviceable as witnesses on behalf of our poor friend; and if you know of any other evidence which could be brought forward in his favour, either to show the probability of the unfortunate gentleman, Mr. Roberts, having been engaged in a personal dispute with any other person, or to prove that Chandos could not be guilty of the act, you would——"

"Why, I have received a letter this very morning," cried Rose, "from a gentleman who seems to think that his testimony would be important. I will read you what he says;" and, taking out Mr. Fleming's epistle, she read all that referred to the case of Chandos Winslow.

"From whom might that come?" asked the barrister.

"From the clergyman of our parish," an-

swered Rose, "the Honourable Mr. Fleming. He is not at all likely to speak without good cause."

"Might I hear it again?" said the other.

Rose read it once more; and the lawyer, rising, took up his hat, saying, "I will go to him at once. There are some remarkable expressions there. He must have important evidence to give."

"I think so too," answered Rose Tracy; "for he never lays stress upon trifles. But yet I cannot see how he can know much, for he was not here that evening, and went away for Sandbourne early the next morning, I hear."

"We cannot tell what information he may possess," said her companion. "This gentleman is evidently a man of observation and ability. His character and holy calling will give weight to his testimony; and I will ascertain this very night what he knows of the circumstances."

"Unfortunately, he is absent," replied Rose; "Sandbourne, where he now is, lies fifteen or sixteen miles on the other side of S——."

The lawyer took out his watch. "That shall not stop me," he said. "It is now twelve: I

can be there before dark, hold a consultation at S—— after dinner, and get to London by six to-morrow. Thanks to the marvellous combinations of railroads and post-horses, one sets distance at defiance. But I must have the address, Miss Tracy, if you will have the kindness to put it down for me."

Rose did as he required, and with a certain sort of antique gallantry—though for his standing in the profession he was a young man—the great lawyer, in taking his leave, raised his fair companion's hand to his lips, saying, "If I win this cause, Miss Tracy, my pleasure will be threefold: first, as I shall save my friend; secondly, as I shall triumph over some difficulties; and thirdly, as I shall gain a victory in which I think you have some interest."

In four hours he was at the door of Sandbourne Vicarage, for he had the secret of saving time by casting away sixpences, and the postboys did their best. There was some difficulty as to his admission, for the servant informed him that Mr. Fleming did not like to see any one on Saturday night after four in the evening, unless the business was very important.

"Mine is business of life and death," an-

swered the lawyer, with a faint and fatigued smile. "Give your master that card, and assure him I will not detain him long."

The servant went, returned, and admitted him. He remained nearly half-an-hour, and when he went forth he shook Mr. Fleming's hand, saying, "I would mention it to no one, my dear sir; for we barristers are sometimes apt to puzzle counsel when we find testimony goes against us. The only place to state the fact is in the open court."

Then bidding him adieu, he got into his carriage again, waved his hand, and the horses dashed away towards S——.

As soon as he was out of sight of the vicarage, he cast himself back on the cushions, saying aloud, "Well, this is most extraordinary. There must be some great falsehood amongst people who all seem the one more sincere than the other. God grant neither judge nor jury may find it out; but at all events we must keep to our story. Which shall it be?—" and, laying his finger on a temple that ached more often than the world knew of, he gave himself up to contemplation, the result of which the reader will see hereafter.

CHAPTER X.

We once wandered, dearly beloved reader, you and I together, over some steep bare hills which lie between Winslow Park and Northferry, watching Chandos in his gardener's guise, as he travelled towards the house of Mr. Tracy. Those hills, not at all unlike the Mendips in some of their features, were somewhat different in others. The high road took the most sterile and desolate part of them, where the curlew loved to dwell in solitude, and the wild plover laid her spotted eggs. But here and there, in their long range—which might extend some five-and-thirty miles from the spot where they began to tower above the plain in one county to that where they bend the head again in another—were some dells and valleys, in which the woods nestled and the streams

glided on. The river which Chandos had swam at Winslow, and which, passing on, increasing in size, gave to the village or small town near Mr. Tracy's property the name it bore, by reason of what is called a horseferry established there from time immemorial, had at some period of the world's history undertaken the troublesome task of forcing a way for itself through the opposing barrier of hill, and had somehow succeeded. It is wonderful what feats rivers and people will perform when they are driven into a corner, and have no way out of it but by a great effort. Then, when they have accomplished their task, how they rejoice in the triumphant exertions of their vigour, and play in scorn with the obstacles they have surmounted.

In a deep valley amongst those hills, seldom if ever trodden by human foot—for there was wanting footing for man or beast in many parts of the gorge—is one scene of exceeding beauty, well worthy of being more frequently visited than it has been. I know not whether in the spring, when the young leaves coming out decorate the sides of the dell with every hue of yellow and green, or in the autumn, when the

mellow brown and red of the decaying year spreads a melancholy splendour over the woods, the picture is more beautiful; but to see it in its best aspect must always be when the tears, either of the year's wayward youth or of its sorrowful age, have been pouring down for some days before. The reason is this,—that over a high shelf of rock, the river, having overcome all the obstructions of the previous way, bounds down towards the goal to which its eager course tends in the distant plains, then first in sight, and the boughs of a thousand kinds of trees and shrubs wave round the rejoicing waterfall as if in triumph. It is not indeed with one boisterous leap that the river springs from the height, some fifty feet above, to the tumbling pool beneath; but as if at two great steps it strides upon its way, setting one white foot in foam upon a rocky point about half-way down, and then again another in the depth of the valley. A projecting point of crag, upon which a sapling ash-tree has rooted itself, stands out between the two falls; and round the point, scattered amongst the roots of the trees, lie numerous large blocks of stone, riven from the rocks above, in times the remoteness of which

is told by the yellow and white lichens and green moss with which they are covered.

About a hundred yards in front of the waterfall, one fine day in the early spring of the year, when several hours of heavy rain during the preceding night had gorged the river, and given the cataract the voice of thunder, sat the gipsey woman, Sally Stanley, with her picturesque costume in its varied and bright colouring, contrasting beautifully with the cold gray stone, the rushing water, and the brown tints of the uncovered branches; while, here and there, an early green leaf, or the warm reddish brown of the unevolved buds, served to harmonize in some degree the scene with the glowing hues of her dress, or at all events to render the contrast not too strong. Nobody else was seen in the neighbourhood; and yet there were the three cross sticks, with the suspended pot, the glowing wood fire well piled up, and one small dingy tent between two large masses of stone. The woman sat beside the pot and sewed, with her left shoulder turned towards the waterfall, and her eyes apparently looking down the dell.

Opposite to her, spanning the river, was a little rude bridge, made with two trunks of trees,

joining a narrow path on the one side to its continuation on the other which might be seen winding from shelf to shelf of the rock in its way to the prolongation of the valley above.

Sally Stanley sat and sewed, as we have said, an unusual occupation for a gipsey; and while she sewed she sang, a much more frequent custom of her people. But to neither affair did she seem to give much attention, turning her ear towards the stream and path, as if for some expected voice or foot-fall.

At length a step was heard; but she made no sudden movement, and with her head bent, listened still, slowly turning her face in the direction of the descending path, so as to gain a sight of the person who was coming down, before he crossed the river. The figure which appeared was that of a man in the prime of life—in the early prime, well dressed after a country fashion, bearing himself with a free and easy air, and, with his well-turned powerful limbs, and fine cut features, presenting the aspect of as handsome a man as one would wish to see.

A faint, almost sad smile came over the face of the gipsey woman; but she took not the slightest notice till the traveller was in the

midst of the bridge, when, dropping the coarse blue stocking she was mending, she advanced towards him, and addressed him in the usual cant of her tribe, begging him to cross her hand and have his destiny told, and promising him as pretty a fortune, and as extensive a matrimonial connexion, as any moderate man could well desire.

Lockwood, for he it was who now approached, laughed, and replied, "I have not time now, my good girl; for I am hungry, thirsty, sad, and sorry, and have a long way to go before I can get food, drink, or consolation."

"Not so, Master, not so," answered Sally Stanley; "you only cross my hand with a pretty little half-crown, and I will give you food, drink, and consolation, such as you cannot get where you are going, I am sure."

"That is no bad offer either," answered Lockwood; "and I may as well sit down by the side of your pot, and have a chat with you, as go and eat bread and cheese, and drink beer by myself in a frowsy tap-room."

"A great deal better," said the woman with a laugh. "Where could you be more comfortable than here, if you were going to the best

house in all the land? Do you think that man builds better than God?"

"Why, no," answered Lockwood; "and in those respects I am a bit of a gipsy myself. I am as fond of the free air as any of you, and do not much fear foul weather, even when Æolus unchains all his blasts. But come, let us see your promised fare. I dare say it is of the best in the county, as you certainly have the choice of all that is going. Here is your half-crown for you."

He was soon seated close to where the woman had been previously sitting, with a deep tin dish upon his knee, while she, with a large wooden ladle, dipped into the pot and brought up a mixed mess, very savory to the nose, and consisting of various materials, whereof a fine turkey's leg was at all events the most conspicuous. Bread she had none to give him, but a hard biscuit supplied its place very well, and to say sooth, Lockwood, whose appetite was sharpened by a long walk, enjoyed his meal exceedingly.

"Now then," he said, "for your drink and your consolation;" and the woman brought him forth from her little tent a black bottle, the

odour emitted by which, as soon as the cork was pulled out, announced it as that liquor to which we justly give the same name that eastern nations bestow upon an evil spirit. But Lockwood would none of it, and while he finished the contents of the platter, she brought him a large jug of water from the stream.

"Well," he said, "after taking a long draught, "I must now wend on my way."

"You are in mighty haste," she answered, "to set out for a place you will not reach."

"How do you know I will not reach it?" he asked, smiling in his strength.

"Because I know all about you," answered Sally Stanley, "where you are going, why you are going, what has been in your thoughts all the way from Winslow hither."

"You are mighty wise," exclaimed Lockwood. "I know well enough that you gipsies are famous for fishing out of gentlemen's servants all about their masters and mistresses, but I did not know you troubled your heads with such people as myself. As to my thoughts, however, there I defy you."

"Do you?" said the woman, laughing aloud. "Now I will show you. You have been think-

ing of Chandos Winslow, your half-brother, and of the murder of good old Roberts, the steward; and you have been fancying that another hand, as near akin to your own, might have shed the blood that is charged upon Chandos Winslow's; and you are going down to Northferry to see what you can make out of the case."

"A marvellous good guess," replied Lockwood; "but I now recollect you, my pretty brown lass. You are the mother of the boy down at the cottage; and, like all your people, you are good at putting two and two together."

"I am the boy's mother," answered the woman; "but you are wrong in thinking that is my only way of knowing. I see more things than you fancy, hear more than people dream of; and I tell you, you will not get to Northferry to-day nor to-morrow either; nor will you go to the assizes, nor give your evidence in court: and if you did, you would only mar what you try to mend."

"That won't stop me," answered Lockwood sturdily; "truth is truth, and it shall be told: 'Magna est veritas, et prævalebit,' my pretty lass. I will tell my plain, straightforward tale in spite of any one; but I do not know what you have to do

with it, and am rather curious to hear; for, to tell you the truth, I do not like you the better for wanting to stop me. If there were any gratitude in human nature, you would be grateful to Chandos Winslow, for he did all in his power to make your boy a good scholar and a good Christian: though, by the way, I suppose you care very little about his being either."

The woman's eye flashed for an instant, with a very wild and peculiar gleam in it, which I think I mentioned before, and she answered vehemently, "You are wrong, Henry Lockwood, you are wrong; I am grateful to him for everything;" and then she burst into a flood of tears.

Lockwood gazed at her with some emotion, and then put his hand kindly upon h. arm, saying, "I did not mean to grieve you, my good woman; but still I do not understand you rightly: you say that you are grateful to this young gentleman; and yet you would prevent me from doing what I can to save him when his life is in danger for another man's act. You seem to know so much, that perhaps you know more; for your people are always prying about, and it is not unlikely that some of them saw the

deed done. However, from what you said just now, and from the way in which you divined what I had been thinking about, I am sure you do not suspect Chandos Winslow, and that your suspicions take the same direction as my own; though mine are well nigh certainties, and yours can be but doubts."

"Are yours well nigh certainties?" she exclaimed eagerly. "Can you prove it? Can you satisfy judge and jury? But, no," she added, in a mournful tone, "it were better not—you cannot prove it—you can have nothing but suspicions either. You did not see your bad brother's hand strike the blow—you cannot tell what was the provocation given—you can mention no cause for a man killing his own steward."

"Yes I can," answered Lockwood. "The blow struck I certainly did not see; for I was well nigh two miles off at the time."

"I know that as well as you do," said the woman with a laugh; "I know where you were, and all about you. But what is it you can prove if you were so far distant?"

"I can prove that there was a cause," an-

swered Lockwood, "a cause for the act in one case, and none in the other; for the very night before, poor Roberts found a note in Sir Harry's own handwriting, declaring that he had left a copy of his second will, dated not five years ago, in the hands of his eldest son. Roberts showed me the memorandum himself, the moment after he had found it, and he was as well aware as I am that Sir William has destroyed the will, because it did not suit his purposes. Was that not cause enough for giving a knock on the head to one who possessed such dangerous information? Besides, there is a great deal more: the very next day he came over to seize on the furniture in those two rooms, and lock it all up; but I have been beforehand with him. All the papers that Roberts had found were safe enough, and the furniture was moved to farmer Rickards's great barn and under my lock and key. He sent me down word that he would prosecute me. I told him to do so if he dared. But now I must go, my good woman; and I say the truth shall be told, whatever comes of it."

"Do you think, Lockwood," asked the gipsy-

woman, "that if Chandos Winslow himself had seen the murder committed, he would bring such a charge against his brother?"

"Perhaps not," replied Lockwood; "but that is not the question. Here am I, no way partial in the business, whose duty it is to an innocent man to tell the truth, whether he wishes it or not; and therefore I shall go on to Northferry at once, and see Mr. Tracy, and tell him all I know. If he does not do what is right, I will go on to the lawyers and tell them."

"Mr. Tracy you cannot and you will not see," said Sally Stanley. "Have you not heard he was arrested for debt, and taken to London yesterday afternoon; and the two girls and their uncle are gone up after him this morning?"

'Arrested?" exclaimed Lockwood; "what! the rich Mr. Tracy arrested? he who was supposed to be the most wealthy man in all the county?"

"Aye, there it is, Harry Lockwood," said the woman: "that is the difference between your people and the gipsies. We are content with food and clothing, the open sunshine, and the free air; but you are never content. If you are poor you must be rich; if you are rich, you

must be richer. The madness of gain is upon you all; and this wealthy Mr. Tracy must needs speculate, to make himself more wealthy, till he has made beggars of himself and his children. All on account of these railroads, with which they are putting the whole land in fetters; he who, a month ago, was rolling in riches, has not so much in his pocket as Sally Stanley, who once begged her bread at a rich man's door, and was driven away with a cur at her heels. You will not see Mr. Tracy for a long time to come."

"Then I will go to the lawyers," rejoined Lockwood; "for the story shall be told."

"No, it shall not," answered the woman, "that I am resolved. I tell you, you will spoil all; and if you leave the matter alone, he is quite safe."

"I will not trust to that." answered Lockwood. "There, take off your hand!—you are not such a fool as to think you can stop me;" and at the same moment he shook off the grasp which she had laid upon his arm, somewhat rudely and impatiently, perhaps.

The next instant his collar was seized by a stout man, who sprang from behind the masses

of broken stone, while another leaped out and caught his right arm, and a third seized him round the legs and tried to throw him down. His great strength, however, sufficed to frustrate their efforts for a moment or two. He disengaged his arm, aimed a blow at the man who grasped his collar, which was parried with difficulty, and kicked off the other gipsy who was grasping his legs; but three or four more came running down from amongst the woods, and after a sturdy resistance he was overpowered and his hands tied.

"What the devil do you mean by ill-treating one of our women?" demanded a tall, powerful fellow, of about fifty years of age. But Lockwood only replied by a loud laugh; and the gipsy grinned at the open falsehood of his own pretext.

"What shall we do with him, Sally?" said the latter, turning to the woman; "he must be looked sharp after if we are to keep him, for he is a rough customer, I can tell you."

"Ah, you have found that out," cried Lockwood; "you will find me rougher still before I have done with you."

"Hush! hush!" said Sally Stanley; "take him away and keep him where we agreed upon.

I will find those who will watch him well. You had better go with them quietly, young man; for you must see by this time that there is no use of struggling."

"Not much, I believe," answered Lockwood. "But I should wish to know, before I go, my good woman, what it is you want, and what you are going to do with me."

"To keep you from making mischief," replied Sally Stanley. "There, take him away, lads, and I will come up directly; but mind you keep him safe."

CHAPTER XI.

"This is weary work. Three days have I been alone; without the sight of any human face but that of the turnkey. How burdensome becomes the weight of thought as each hour goes by! It presses upon the brain as if a heavy stone were laid upon the head. What a terrible thing is solitude, notwithstanding all that Zimmerman has said of it—notwithstanding all that can be done to alleviate it! But this is something more than solitude. Alexander Selkirk on his desert island could change the scene, could vary the occupation every hour. Now, he could go up the Blue Mountain, and gaze afar, 'the monarch of all he surveyed.' Then he could wander down to the sea-shore, and send hope and expectation forth on a voy-

age of discovery over the green waters before his eyes, to see if ship or boat from the far native land were winging its way like a bird towards his place of exile. Or else memory, like a bark freighted with treasure, would touch the land, and he would see the stores of other days, the joys, the loves, the dreams of youth and manhood spread out upon the beach. He could tame his wild birds or his free goats; he could plant or reap his little field; he could garner or grind his corn. He was no worse in fate than Eve-less Adam; and though it may not be good for man to be alone, yet, when there is variety and occupation, the evil is but small. Here, what is the variety? Four or five short steps from wall to wall; the heavy door on one side; the high grated window on the other. But yet, it might be worse. What a terrible thing solitary confinement must be! Here the jailor comes in and speaks civilly; will stop a minute or two to tell you what is going on without; will press me to walk in the yard, and tell me it is quite airy and *cheerful.* Cheerful! Good God, what a word in the stony heart of a prison! I declare I should regard the man who could be cheerful in such a place as ten

times worse than even his crimes had made him. To be cheerful here would be an aggravation of every offence—and yet, perhaps, I am wrong. Cheerfulness in some men is constitutional.

"Oh! yes, it might be worse. To be condemned to perfect solitude, and silence too, with nothing but thought, thought, thought, rolling one upon the other, like the eternal billows of a dark and gloomy sea: not a sight for the eye, not a sound for the ear, till the one became blind, the other deaf, for want of objects. It is horrible! What monster could devise such a means of starving the senses one by one, till the living death of hopeless idiocy became the wretch's fate? What were the cord, or the axe, or the rack itself to that? Yet, even that might have an aggravation—if there were guilt upon the mind—some dark terrible crime—murder!—the death of a fellow-creature, sent before to be our accuser at God's throne! What awful storms would then move that black ocean of thought, prolonged through the whole of life! What would it be with me, even through three or four short days, when, innocent as I am, the passing of these solitary hours

is well nigh intolerable.—Innocent as I am! Who is innocent? Who can lay his hand upon his heart, with God and his own conscience to witness, and say, 'I am innocent; I have done no wrong?'—Who can arraign the decree of the Almighty which strikes him for many a hidden fault, through the instrumentality of the false judgment or iniquitous persecution of his fellow-man? Not I, for one! I raised my hand against Lord Overton unjustly; I shed his blood, though I did not take his life; I was a murderer in intention, if not in act; and now I am accused of—perhaps may suffer for—the death of one whom I would have shed my own blood to defend. The ways of God are strange and wonderful, but very just.

"How curious it is that in solitude all the things we have done amiss in life return upon the mind, distinct and clear—magnified even, if faults can be magnified—when in the pleasures, and the business, and the every-day cares of life, we forget them totally! And yet man was evidently meant for society. Is it that the ever-present consciousness of our errors in this mortal state, would be a burden too heavy to bear, were there not an alleviation in the

thoughtful absorption of the world's concerns—a burden which even faith in a Saviour (as far as man's weakness will permit him to have faith) would not be sufficient to relieve, unless his worldly carelessness lightened the load, by deceiving him as to the weight? Perhaps it may be so; and yet, it is strange how often in this life, our weakness is our strength. Since I have been here, how reproachfully acts which I thought before perfectly venial have risen up in judgment against me! how dark have seemed many deeds committed! how sadly ungrateful many an omission has appeared! And shall not the same be the case hereafter? When a few hours of solitude are sufficient to draw back thus far the glittering veil which habit and the world cast over our faults, what will be the terrible sight when that veil is torn away altogether, and the dark array of a whole life's sins and follies stand naked and undisguised before us!—when the voice of conscience, fully awakened, never to sleep again, exclaims, 'Lo your own acts! The children of your mortal life! The witnesses against you for eternity!'"

The above is an extract from a journal of Chandos Winslow, kept during his imprisonment. I know that such grave subjects are not palatable to most readers: they call them *longueurs;* they skip them; they want the story, nothing more. Let them do as they please; the extract was necessary to the depiction of the character. But I must show another side of it also—a somewhat lighter and more cheerful one; but still one which is as likely to be skipped as the other, by the mere novel-reader. For some time Chandos went on in the same strain of gloomy thought; and occasionally dark forebodings would mingle with the text; for the more he reflected upon the course he had determined to pursue, the more difficult, nay, hopeless, seemed to be the attempt to defend himself. At length, however, came the following passage:—

"But I will have no more of such reveries. It is very strange, that for the last four days I have not been able to read. The small space of my brain seems too much crowded with thoughts of my own, to give other people's thoughts admission. I will force myself to read, however; and think of what I read."

Then came another passage, evidently after he had been reading for some time.

"I know not how it is, but none of these Italian poets interest me much—perhaps the most, that mad-cap Ariosto. There is a reckless vigour about him which none of the rest possesses; and their prettinesses tire. Tasso is certainly very sweet and very graceful, but seldom powerful; and Dante, dark, terrible, and stern, wants the relief of beauty. His Inferno is certainly a grand poem, the personification of thousand hates and vengeances; but the Paradise is a poor affair.

"It is very strange how much more difficult men find it to imagine and to paint perfect happiness than exquisite torture. Perhaps it is because in this life we are much more familiar with pain than pleasure. Pain and grief are to human beings, positive; our greatest happiness here below rarely more than negative—at all events, never unmixed. But in none of the Italians do we find the grand march, the sustained majesty of the Greeks and the Romans. I cannot help thinking that Boccaccio had more poetry in his nature than most of his brethren; and there are some fine passages in his great

poem, notwithstanding its many wants. Many of his novels, too, are full of poetry. But, after all, ten lines of Homer are worth all the Italian poetry that ever was written. Alfieri seems to have felt this inferiority of the poets of Italy to the ancients, even too much; and the effect has been a stiffness in his writings, produced by aiming at dignity in a language which is not dignified. When the thought itself is grand, its grandeur can only be preserved in so weak a tongue by clothing it in the very simplest words. Dante was not alone aware of this, but was impelled to that course by his own sharp character. He never strove to embellish by mere words, though sometimes, as if to impress the idea upon the reader's mind, he reiterates it in another form, venturing upon pleonasm as a means of force, in which he was probably mistaken; at least, the effect upon my mind is always disagreeable. It would be better if the verses were spoken. I cannot but think—though perhaps it is national partiality—that the poets of England are superior to any that have ever lived since the fall of the Roman empire. The French have no poetry. The Germans have two or three great poets; but their

literature may be considered as yet in its infancy. The Spaniards have some beautiful poems, it is true; but in all of them are blemishes which overbalance the perfections. In the English tongue there has been excellent poetry enough written in every different style and manner, to supply the whole world. A crowd of our poets are unknown even to ourselves; and many of the very best are imperfectly known, and that but to a few. The sonnet, indeed, attained its highest point with Petrarch; and yet how beautiful are some of Sir Philip Sidney's!—for instance, the one beginning—

> 'No more, my dear, no more these councils try,
> Oh give my passions leave to run their race.'

I forget the rest. My memory fails me sadly. What a strange thing memory is! It seems as if the brain had a court painter, who sketches rapidly everything presented to the senses; and then the pictures are pushed into the lumber-room of the past, to grow dim and mouldy, with the smoke and damp of years, till they are wanted, when they are taken forth again, and

the dust is brushed off, though sometimes not entirely——But who have we here? It is not the turnkey's hour."

Here ends the journal for the time; and it may be as well to inquire, what was the circumstance which caused the interruption; for it gave Chandos sufficient thought for the rest of the day.

Just as he had written the last words his solicitor was admitted, a shrewd little elderly man, not without some kindness of disposition, and with a great talent for making himself useful in small things, which is one of the most serviceable qualities to himself that a man can possess. His ostensible object was to tell Chandos that he had been to London for the purpose of holding a consultation upon his case, and to cheer him up with the prospect of certain acquittal; for as physicians often think it necessary (and with good reason) to keep up the spirits of their patients, as long as there is any hope, by assuring them of recovery, so the solicitors in criminal causes judge it right to comfort the accused by promising them acquittal. I do believe that there never yet was a man hanged, who had a hundred pounds to fee lawyers, without being

promised, in the words of the toast, "long life and prosperity," till the very moment when the jury gave their verdict. But the worthy solicitor had another object too, it would seem; for as soon as he had disposed of all the evidence which had struck the great barrister as so important with a mere "Pshaw! we will soon get over that," he slipped a letter into Chandos's hand, saying, "That came to my office for you while I was gone, and I brought it myself; for you know they have a trick of opening prisoners' letters here. I gave General Tracy a hint, that all your friends had better address under cover to me; and if you have any answer to send, let it be ready and give it to me tomorrow. Keep it close until I am gone, and then you can read it at your leisure."

Chandos Winslow had glanced at the address, and had seen that the handwriting was that of a lady. He had never seen Rose Tracy's writing. The letter might come from either of a dozen other persons, friends or relations, who had heard of his situation, and might wish to express sympathy and kindness. Nevertheless Chandos did not doubt who was the writer; and as soon as the solicitor was gone, he tore

it open, and pressed his lips on the name at the bottom.

"Dear Mr. Winslow," the letter began.—There had evidently been a struggle how to commence it. She had even blotted the words Mr. Winslow, though Rose Tracy was not apt to blot her letters. The prisoner thought that he could discern the name of Chandos traced and erazed beneath; and he murmured to himself, "She might have left it."

"Dear Mr. Winslow," wrote Rose Tracy, "although I write under great distress of mind, from the very painful circumstances in which my father has been placed by the failure of some extensive speculations in which he was unfortunately led to engage, I cannot quit Northferry without writing you a few lines (for doing which I have my uncle's sanction) to say, that I am ready and willing to come down and give evidence at the approaching trial; being perfectly certain of your innocence, and believing in my heart that the crime of which you are accused was committed by one of those persons whose voices we both heard when we last met. I have thought it necessary to write upon this subject, because your friend, Sir ——

seemed to doubt whether you would wish to call me as a witness. I thank you most sincerely for seeking to spare me the agitation which public examination in a court of justice must always cause; and I thank you still more for that delicate sense of honour which I know is one great cause of your hesitation. But I do beseech you, do not let any such feelings prevent you from using the means necessary to your exculpation. I know the world may blame me, when it is made public, that I was aware of your name and family; that I did not inform my father of the fact; and that I saw you at the same spot more than once—I dare not say by accident. The blame will perhaps be just, and probably will be more severe than if all the truth could be stated; but I will put it to your own heart, my friend, how much less grief the severest censure of the world would cause than to think that you had been lost for want of my testimony. Oh, spare me that pain, Chandos! spare me the most terrible anguish that could be inflicted on

"Rose Tracy."

Chandos kissed the letter over and over again. It is wonderful in the moments of dis-

tress and abandonment, when false friends forsake, and the light world of acquaintances shun us, how sweetly, how cheeringly, even small testimonies of undiminished regard come to us from the true and firm. Oh, how Chandos Winslow loved Rose Tracy at that moment! How he longed to tell her the sensations that her generous anxiety to save him even at the expense of pain and shame to herself inspired in his bosom! He dared not, however, write all he felt; but in the course of that evening he expressed his thanks in a way which he thought would shadow forth, to her eye at least, the deeper feelings which he could not venture to dwell upon. To write the letter was a happiness to him; but when he came to conclude it with a "farewell," something seemed to ask him, if it might not be the last. He fell into deep, sad thought again, and gloomy despondency took possession of him altogether. He thought he could have been careless of life but for Rose Tracy; and he felt sadly how acuminated and intense become the affections which attach us to existence here when they all centre in one object.

CHAPTER XII.

THE assizes were opened at the town of S—— with all due solemnity. There were sheriffs, and magistrates, and town council, and javelin-men, all on the move. The judges went to church and to dinner. The day of that most disgraceful of exhibitions, an assize ball, was fixed, and the grand jury was sworn and charged. Did a grand jury perform its functions properly, or even know all its attributes as they were formerly exercised, and still exist, it would be one of the most useful institutions in the monarchy; but, alas! its just attributes are nearly forgotten, its functions are falling into desuetude, and it confines its operations, almost always, to returning as true those bills presented to it which have even a shadow of

probability on their side; or, instead of denouncing real and serious evils, to the presentment of waggons overthrown and suffocating court-houses.

The lawyers were seen flitting about the streets; the usual morning consultations and evening revels took place: witnesses and jurymen crowded the inns; an enormous quantity of bad port, bad sherry, and worse madeira, was consumed; and solicitors merited well the simile applied by sailors to personages who are peculiarly busy.

The calendar was very heavy. Nine very hard-fisted farmers had had their ricks burnt; a manufacturer who indulged in truck, and was notorious for reductions on Saturday, had been awoke in the night by the blowing up of one of his factories; there had been a riot in one of the workhouses where the poor were starved according to law, on the pretence of feeding them, and punished for complaining. The magistrate, wisely or unwisely, had sent the case to the sessions; and it was flanked by those of a man who had died from the neglect of a relieving officer, and a woman who had drowned her child from the insanity of destitu-

tion. There were several affrays with poachers, in which blood had been shed; and that of two gentlemen, who had first horsewhipped and then shot at each other, to the extinction of one life, and the risk of both. In short, it was an edifying display of the results of civilization up to the period at which we have now arrived, and of the peculiarly polished state of England, and its respect for social order. I say nothing of the brotherly love, the Christian charity, and the enlightened benevolence which oozed out through the pores of the calendar. Verily it was fitted to raise us high in the eyes of Europe.

It is marvellous with what celerity the grand jury returned true bills against the whole of the accused. Did I say against the whole? It was a mistake. Out of a hundred and thirty-four cases, they threw out one, just to keep up the privilege of rejection. It was the case of a small proprietor who had knocked down in the presence of three or four men, a rascally labourer, who would insist upon passing along a path which had been used by his ancestors for five generations. They threw it out, however,

and the path was closed thenceforth to all men for ever and aye.

Amongst the other bills found, was one against Chandos Winslow, Esq., for the wilful murder of John Roberts, attorney-at-law, &c. &c. &c. But it was a late case on the roll, and a good deal of condemnation was done before that came on. The first sharp appetite was taken off from both judge and jury, and the solicitor congratulated himself and his client on the hanging period of the assizes being on the decline. It is strange and not pleasant to think of, on how many small circumstances a man's life hangs in the most civilized countries of Europe, especially in the most Christian. A famished juror or two will turn the balance any day; and I fear me that hunger is not an appetite which leans to mercy. The beginning of the assizes is always a bad time to be tried. I would not advise my felonious friend to attempt it if it can be put off. The jury then think themselves a many-headed Aristides. Brutus was nothing to them, and Cato a mere babe. They would condemn their own children to magnify the law. Then, again, the end of the assizes is

as bad; for both judge and jurymen have got tired of the thing, and want to get home to their wives and families. This can only be accomplished by despatching their men out of hand; and haste is always cruel, rarely just.

The charge of the judge to the grand jury is a more important matter than people generally imagine. It is treated as a matter of course: or at best as an opportunity afforded once in so many months for a great functionary to make a clever speech on a very favourable subject. But it is much more than this. It frequently gives a tone to the whole proceedings of the court. From the grand jury it is reflected upon the petty jury, and affects them more than it does the former. If the judge represents strongly the serious increase of crime upon the calendar, and urges the necessity of vindicating the law and rigidly administering justice, the Aristides spirit I have talked of becomes very rampant, and you are sure to hear, "Guilty, my lord," very frequently repeated in the court. If, on the contrary, he congratulates the county on the small amount of crime that has occurred since last he was seated in that place, and declares that there are but one or two serious

cases for their consideration, the worthy jurymen think, when there are so few, it may be just as well to let the poor fellows get off, as it is cold work hanging without company.

As I have said, however, the calendar was heavy, and the judge made a very serious and impressive charge, alluding particularly to the case of the murder of Mr. Roberts. He called the attention of the grand jury particularly to it; recommended them to cast from their minds everything they had heard, and to consider the matter simply on the testimony which supported the charge. He represented their duties as merely preliminary; (in which, indeed, he was right;) but though he never mentioned the name of the accused person, he declared the act to have been most barbarous and horrible; spoke of the deceased as an innocent, honourable, industrious man, whose murder was an awful stain upon the county and the kingdom; and in aggravating the heinousness of the offence, produced, naturally enough, a very unfavourable opinion of the person charged with committing it. While he was speaking in reprobation of the crime with so much eloquence, the minds of the grand jury necessarily connected it with

Chandos Winslow as the perpetrator, and of course they returned a true bill, as they would have done had not the evidence been half so strong against him. It is very possible that the grand jury did dismiss from their minds all they had heard before, though that is rarely done, and little to be expected; but they assuredly did not dismiss from their minds the judge's charge, and that was quite sufficient.

The speech of his lordship was printed and circulated in the town of S—— that night, and when the solicitor read it, he muttered between his teeth, "He will sum up against the prisoner, that is clear. Our only hope is in the striking of the jury."

How horrible that any man should be able to divine, or pretend to divine, how a judge will sum up in a case, the evidence upon which is not yet before him! But, nevertheless, a solicitor of experience is seldom wrong in such matters.

Chandos Winslow, too, read the charge, and came to the same conclusion. In the cold and measured phrase, in the well poised and cautious words, even in the scrupulous abstinence from all allusion to himself, he saw an impression

against him, and was sure that it had not only been felt, but communicated. The most deadly poison is that which acts with the least outward signs. He thought over the circumstances deeply, and remained in thought for many hours. He tried to view his own case as if it were not his own. He recalled every fact, and arranged the one in connexion with the other. He separated what he himself knew, but was resolved not to communicate, from that which was before the public eye, and a terrible mass of criminatory circumstances was left unmixed. He looked at the whole steadfastly and resolutely, and he asked himself what he had to oppose to it. The answer was—"Nothing."

Vague professions of innocence, the testimony of persons who had known him long to his general character—this was all; but he knew well that all this was nothing in a case like that before him. He was aware, moreover, that the refusal to give explanations would be construed into a mere consciousness of guilt, and yet he could neither do away the presumption of crime which existed in a thousand of the facts against him, nor even account for one moment of his

time without casting back the charge of murder upon his own brother. It was a terrible situation. The thought of Rose Tracy aggravated it, shook his firmness, made his resolution waver; and starting up, he paced his cell backwards and forwards for some minutes. But he conquered himself; he conquered the repugnance to death and cold forgetfulness; he conquered the clinging of the heart to life and love, and he sat down again, saying aloud, "No, I will not be the destroyer of my brother."

I will not say that hope went out, for the hope beyond this life remained; but the hope of saving himself, the hope of his counsel making any available defence, passed away as he reviewed the strong presumptive proofs against him, spreading out, link after link, in a long chain, which bound him ready for a death of ignominy. He made up his mind to it. He gave up the consideration of the charge and the defence. He took one step over the earthly future, and, as if standing at the ports of the tomb, he ventured to cast his eyes beyond. It is, it must be, an awful moment for any man, when the words of fate are pronounced and

heard, when the irreversible decree has been notified to us, "This night shall thy soul be required of thee!" when all the soft ties are to be broken; when all the warm affections are to come to an end; when all the new cold things of an untried fate are before us, and the prospect from the top of the bleak hill of death swells into eternity. Then comes the terrible question, "How shall I answer at the Throne of one perfectly pure, perfectly holy, for all the trespasses committed in this mortal state? how have I stood the trial, trod the path assigned to me? how have I fought the fight? how have I employed the talent?"

Who is there at such a moment that can dare to answer, "Well?"

What would it be, when the presence of an earthly judge is terrible to an offender, to plead one's own cause, to be one's own advocate before the Almighty and Omniscient; to stand polluted in the Holy of Holies, in the presence of Him who will not behold iniquity? But there is an Advocate to raise his voice in our behalf; not to defend, but to mediate, to justify us by his righteousness, to atone for us by

his blood, to make the compensation which eternal justice requires for sin, and reconcile the offending creature to the offended Creator.

To Him Chandos Winslow raised his spirit in faith, and his voice in prayer, and he found strength that no philosophy can give, hope when all the hopes of earth had passed away.

CHAPTER XIII.

It was the morning of Thursday, and generally understood that the trial of Mr. Chandos Winslow, for the murder of his late father's steward, would come on that day. Moreover, it appeared likely that the case would occupy two days, unless it was early called on, as the number of witnesses was considerable. Those who are knowing in such things considered the arrangement as rather ominous: Friday being looked upon as an excellent day for condemnation. The court was crowded to suffocation; but the spectators had a long time to wait ere they had the pleasure of seeing a gentleman placed in the felon's dock. The court was occupied during the greater part of the morning with cases of small interest; and,

between two and three in the afternoon, the crowd began in some degree to diminish; many persons growing tired, and a belief becoming prevalent that the cause would not be tried that day.

At length, however, when it was least expected, the cause was called on, and two or three solicitors' clerks ran out of the court to call the counsel in the case. The appearance of the leader for the crown excited some attention; but that of the famous barrister, whom every one knew to have been brought down especially from London, and who was generally reported to be the intimate friend of the prisoner, created a murmur which lasted for some minutes. The two lawyers were in the court, before Chandos Winslow was placed in the dock; for the officers of the prison had been taken somewhat by surprise, from the rapidity with which the preceding case had been brought to a conclusion. After a momentary pause, however, the accused appeared, and there was an instant movement, causing a good deal of confusion, from many persons endeavouring to gain a better sight of the prisoner.

It is probable that every one expected to behold a very different sort of person from that which was now presented to him; but certain it is, that the actual impression produced was highly favourable. The tall, commanding, manly form; the air of calm unembarrassed grace; the grave, but firm, and almost stern look; the lofty brow and speaking eye; the lip that quivered a little with irrepressible emotioion, at being made the gazing-stock of thousands: all excited in the multitude those feelings of admiration which predispose to sympathy and confidence. Bearing his head high, with his shoulders thrown back, and his chest open, with his eye fixed tranquilly on the judge, and his step as firm as if he had been treading his father's halls, Chandos Winslow advanced to the front of the dock; and immediately his friend Sir —— rose from his place, and with a kindly nod of the head, spoke to him for a few moments, as if to show all persons that he was proud of his friendship.

The indictment was read, setting forth in various counts the charge against the prisoner. Sir ——, desired to see the instrument, and

then merely remarked, that it was bad in law, and could not be sustained.

"When the case for the defence comes on, I will hear your objection," said the judge.

"I do not know that it will be necessary, my lord;" replied the counsel. "My friend and client has an invincible objection to take advantage of any technicality; and, I think, we can do without a flaw, although I may judge it my duty to show your lordship that there is a fatal one in this indictment."

When called upon to plead, Chandos replied, "Not guilty," in a firm, slow, and distinct voice; and the confident tone of the leader for the defence, as well as the calm self-possession of the prisoner, had its effect both upon the spectators and the jury. It was soon to be driven away, however; for the leader for the crown rose after a few words from a junior; and a very different impression was speedily produced. The lawyer who conducted the prosecution was a tall handsome man, with strongly marked and expressive features, a powerful and flexible voice, and great dignity of manner. He had one quality, however, which was greatly in favour of a prisoner if he were re-

tained as counsel for the defence, but which told sadly against him if he appeared on behalf of the crown. He seemed—it was merely seeming—so fully, so firmly convinced of the justice of the cause he advocated, his manner was so sincere, his apparent candour so great, that the jury, thoroughly believing he had no doubt, and weighing their wits against his, naturally asked themselves, "If so learned and shrewd a man has arrived at this conclusion, why should we venture to differ from him?"

On the present occasion, he paused for an instant and rested his hand upon the table, as if almost overpowered by his feelings—he never was calmer in his life—and then, raising his head, went on, with the clear, distinct, grave tones of his voice penetrating into every part of the court, in which there reigned a dead silence.

"My lord, and gentlemen of the jury," he said, "the most painful task of a life that has not been free from sorrows is imposed upon me this day; and I know—I feel—that I shall acquit myself ill. I beg you, therefore, to bear with me, if my statements are not so clear, if my reasonings are not so forcible as they ought to be; for, in my anxiety not to press anything

too heavily against the prisoner at the bar, I fear I may fall into the opposite error, and not give due weight to many minor facts necessary to a full elucidation of the subject. That error, however, is far less important than the grave and serious fault — I might almost call it a crime, in a person in my present position—of suffering either professional vanity, or the spirit of partisanship, to seduce me into urging anything unjustly against a prisoner under trial. Into that fault, at least, I will not fall—of that crime, I will not render myself guilty. I will make no statement that I do not feel sure will be borne out by evidence, I will use no argument which may not be justly applied; and I do assure the court, aye, and the prisoner, that, if I could have avoided the task, I would have done so; that if he can prove himself innocent, I shall rejoice; and if my learned friend can show that my reasonings are not just, my views erroneous, I shall have a triumph in defeat, and sincere satisfaction in a verdict against me. But I have a high and solemn duty to perform to my country, gentlemen of the jury, as you have also; and we must not suffer any personal feeling to interfere with its due execution.

We must recollect, that mercy to a criminal is cruelty to society, and that to spare the offender is to encourage the offence. With these views, I will 'nothing extenuate nor set down aught in malice,' but succinctly state to you the facts, as many witnesses will afterwards prove them, omitting all that seems to me doubtful, and urging nothing that is not necessary to the due understanding of the case. On the evening of the fifth of February, gentlemen of the jury, a highly respectable gentleman, of the name of Roberts, called at the house of Mr. Tracy, of Northferry, in this county, and inquired for a person of the name of Acton, under which name, or *alias*, as it is termed, you will find that the prisoner is also indicted. This Mr. Roberts, it will be shown to you, was the steward and confidential law agent of the late Sir Harry Winslow, a gentleman of large property in this county; and in that capacity he was well acquainted and had had numerous transactions with the younger son of Sir Harry, a young gentleman, I must say, bearing a very high character, but, at the same time, of a disposition to which I can only apply the terms of *sharp* and *vindictive*, as I shall

be enabled to show. This person, known by the name of Acton, was at the time acting in the capacity of head-gardener, at the house of Mr. Tracy, where he had been for nearly three months, or ever since the death of Sir Harry Winslow. Upon my life, gentlemen of the jury, if the truth of the whole were not too fatally established, I might think I was reciting a romance. Mr. Roberts did not mention his business with the person he inquired for, but being perfectly respectable in his exterior, was directed by the servants to seek the head-gardener in the grounds, where he was usually to be found at this hour. Now those grounds are very extensive, and an authentic plan has been taken of them—I hold it in my hand—of which a copy has been furnished for your guidance. You will there see that the real front of the house is turned towards the gardens, which are remarkable, I am told, for their beauty and high cultivation: an earthly Paradise, into which murder now first entered. Before the house is a very extensive lawn, bordered with thick shrubberies, through which run several gravel walks. This lawn is terminated by a belt of planting irregularly disposed, so as to admit here and

there views of the distant country to any eye looking from the windows of the house; but completely concealing a second lawn, somewhat less in extent, surrounded again by other shrubberies and other walks, sloping down with a gradual descent to the open fields, (also the property of Mr. Tracy,) from which the grounds are separated by a hedge, and in some places by that peculiar species of enclosure called a haw-haw, or sunk wall, with a broad ditch on the external side, faced on the side of the grounds with perpendicular masonry, surmounted by a holly hedge; number 5 in the plan, gentlemen of the jury. In the inside of this haw-haw and the hedge which forms its continuation, is a broad walk under beech-trees, called the Lady's Walk; but just opposite to the part of the walk where the figure 5 appears, the beech-trees are interrupted, and a plot of grass occupies the semicircular opening in the wood, in the bite or crescent of which is situated a small building, in imitation of a Greek temple, covering a fish-pond. Between that fish-pond and the haw-haw is a space of about twenty-five yards, which is the scene of the tragedy that is under our consideration: a narrow strip for so terrible

an event. You will see that the broad gravel path, called the Lady's Walk, passes close to the little building, the temple, number 7 in the plan. Another walk, winding round the two lawns, and through the thick shrubberies, conducts to the western side of the building, where it enters the Lady's Walk. Down this winding path, it is probable, that poor Mr. Roberts came to meet his death, as it will be proved that he crossed the first lawn (number 2) towards it from the western side of the house. I should have mentioned that the hour at which he asked for Acton, the head-gardener, was five in the evening, when the sun is just down at that period of the year, but when the twilight is still clear. He was never seen alive afterwards, that we know of, but by his murderer; and about ten at night he was found lying on the grass between the little temple and the haw-haw, with two severe blows on the head, one of which had fractured the skull, and so severely injured the brain that death must have been instantaneous. By his side was found an implement used in gardening, and called, I believe, a Dutch hoe, which will be produced for

your inspection. It was covered—at least, the iron head was covered—with blood and grey hair, and the surgeon who made a post mortem examination of the body will prove, that the wound which produced death must have been inflicted by an instrument very similar. Such are the bare facts of the murder of Mr. Roberts as they appear beyond all doubt; and I now approach with deep pain, reluctance, and even diffidence, the circumstances which connect the prisoner at the bar with the fatal event. First, gentlemen, it will be my duty to show you that the person who, under the name of Acton, filled the humble situation of head-gardener to Mr. Tracy, of Northferry, is one and the same person as Mr. Chandos Winslow, younger son of the late Sir Harry Winslow, of Elmsly and Winslow Abbey, in this county. It might be irrelevant to inquire what induced a gentleman of such birth and pretensions to condescend to such an office, but if it could be shown that he quitted his brother's mansion and abandoned the society in which he had moved from his birth on some disgust, occasioned by transactions in which this very unfortunate Mr.

Roberts had a share, it might, indeed, be important in establishing a motive for the act with which he is charged."

Sir —— instantly rose, and said aloud, "I hope my learned brother will not make insinuations which he is not able fully to bear out by evidence."

"If my learned friend had not interrupted me," replied the leader for the Crown, "he would have heard me declare that I was unwilling to press against the prisoner anything that could not be proved beyond all doubt; and therefore, that it was not my intention to connect any former disputes between the prisoner and the unhappy Mr. Roberts with the present charge; but to beg the jury to dismiss from their minds everything in their consideration of motives but the actual subject of dispute which I am about to allude to, and which can be proved by evidence unimpeachable."

"I must beg the interference of the court in protection of my client," said the prisoner's counsel, in a firm and stern tone; "it is contrary to all practice, and, I must add, contrary to all justice, to allude to imaginary circumstances as facts when there is no intention of

proving them, thereby producing an impression upon the minds of the jury most detrimental to a prisoner, without giving the prisoner's counsel a fair opportunity of removing it. Were it not a most dangerous precedent, I should say that I am very glad such a course has been pursued by my learned friend, as, in this case, I am in a condition to rebut his insinuations as well as to disprove his facts; but, reverencing law and justice, and seeing great inconvenience likely to occur hereafter from such a practice, I must most solemnly claim the protection of the court for my client."

"The jury will rely only upon evidence," said the judge; "the assertions or insinuations of counsel, unsupported by evidence, are mere wind. The course of alluding even to any circumstance not intended to be proved, I must say, is very mischievous; but I dare say it was in the brief."

"I bow to the decision of the court," said the leader for the Crown; "but I can assure my learned friend, that I intended to produce no impression upon the minds of the jury but a just one; and, without at all recurring to the past, I am perfectly prepared to show by evi-

dence that at the time the murder was committed, the prisoner at the bar and the unfortunate Mr. Roberts were engaged in a very sharp dispute about some property left to the former. I have said, gentlemen of the jury," he continued, with perfect tranquillity and satisfaction, " that it would be irrelevant to inquire what could induce a gentleman of the prisoner's rank and pretensions to accept the humble post of gardener in the family of Mr. Tracy. However, the fact that he did so will be established, and in that situation he inhabited a cottage (number 9 in the plan) close to the hedge bordering the Lady's Walk, and was entrusted with a key of the small gate into the grounds (at number 10.) It will be in evidence, gentlemen, that after having been absent for about a month, by Mr. Tracy's permission, during which he had resumed his station, mingled with his own rank of society in London, and fought a duel with Viscount Overton, in which the latter was desperately wounded, the prisoner returned to his cottage at Northferry on the afternoon of the fifth of February, the day of the murder, and almost immediately went out again. It will be shown to you, that the sun was then

setting, or had already set, and that he entered the gardens, and took his way towards the very spot where the crime was committed, having in his hand the identical hoe (or one precisely similar) which was afterwards found by the dead body. This will be proved by two witnesses, whose veracity will not, I presume, be impeached. You will soon have it in evidence, that he did not return to his cottage till six, when he was in a state of much agitation; that he then went to his room, and, after washing his hands, threw the water he had used for the purpose out of the window; but that, nevertheless, there was upon the towel a red stain, as of blood diluted with water. You will find, that one arm of the fustian coat which he wore that night was stained with blood; and it will be also shown that footmarks, exactly corresponding with the shoes he wore, even to the most minute particulars, were found coming and going from the spot where the murdered man lay to the haw-haw. Now, gentlemen of the jury, it may seem difficult to prove to you that the murder, which was not discovered till ten, took place between the hours of five and six. There would indeed be a presumption that such was the case, from

the fact of Mr. Roberts having gone down in that direction at five in search of the prisoner, who was then in the garden, and never having got further than the Lady's Walk; but still there would be a doubt, and I should be the first to entreat you to give the person accused the benefit of that doubt. But, unfortunately, I regret most deeply to say it, by one of those strange accidents which ever, sooner or later, bring their guilt home to the perpetrators of great crimes, I have the means of showing that the fatal deed must have been done some time between ten minutes or a quarter after five and half-past five."

Sir —— leaned forward and listened eagerly, and the leader for the prosecution continued, with an air of solemn sadness, "I allow from ten minutes to a quarter of an hour for any error that Mr. Tracy's servants may have made in regard to the time of Mr. Roberts' visit to the house, and for the time occupied by him in seeking through the grounds for the prisoner; but at half-past five, it then being almost dark, a little boy, the son of a gipsey woman, saw, in passing along as he returned from the school at Northferry, a dark body lying on the ground,

like the figure of a man asleep, close by the little fish-pond or basin near which Mr. Roberts was murdered. The boy's history is not without its interest. He had, it seems, aided in saving the life of General Tracy, Mr. Tracy's elder brother, from the attack of a furious bull. The General, in gratitude, took the boy under his protection, and placed him to board at the cottage of the head-gardener. The hour at which he ought to have returned from school to the cottage was somewhat earlier—about five, I believe; but he met with his mother in the village, and lingered for a time with her. In order to shorten the way, he stole through the gardens, and got over the gate near the head-gardener's cottage, thus passing within twenty or thirty yards of the spot where the body lay. He will prove that he thought it was a man asleep, and that he is quite certain that it was a man."

The learned gentleman paused, and, from under his bushy eyebrows, turned a glance towards the face of the leader for the defence. What he saw there he did not exactly understand; for there was a very slight smile on the great barrister's lip; but that smile had some-

thing of triumph in it. He knew not if the smile was sincere, or whether it was not assumed to cover mortification; but yet, it was evidently kept down rather than displayed, and in this state of doubt he might not have called the boy, perhaps, had it been possible to avoid it. The passing of these considerations through his mind did not arrest his eloquence for more than a moment, and he went on as follows:—

"I have now, gentlemen of the jury, given you a brief outline of the case against the prisoner, as I believe it will be fully proved by evidence; and I do not think, if such be the case, and if the respectability of the witnesses is unimpeached and their testimony be not shaken by cross-examination, that you can come to any other conclusion than that which I grieve to say, I myself have arrived at. You will hear what they have to say, you will judge from their words, and even the manner in which their evidence is given, what credence they deserve. God forbid that you should attach more to their evidence against the prisoner than to any testimony which can be fairly adduced in his favour. What course of defence my

learned friend may adopt I cannot divine, but mere testimonials of character, learning, high qualities, and previous integrity cannot avail here. Nor must rank and station be taken for one moment into consideration. A prisoner at the bar of justice stands stripped of all adventitious advantages. He is there as before the throne of Heaven, only in the common character of man. If he be of high rank and good education, it is no reason for pre-supposing innocence or extenuating guilt. Quite on the contrary. Crimes of the most serious magnitude have been proved against persons greatly elevated in station. Peers of England have suffered on the scaffold for deliberate murder; and the advantages of rank and education, in the immunity which they give from ordinary temptation, only serve to aggravate the offence. Nor can a previous upright, honourable, and even peaceful life, if it could here be proved, weigh much to neutralize distinct evidence. We have too many instances, gentlemen, of men, the great bulk of whose life has been high, holy, and innocent, yielding to some strong temptation, and committing acts which on cooler reflection they have often shuddered

at. Need I cite the case of the unfortunate Dr. Dodd? You must look upon the prisoner merely as a man; you must weigh well every tittle of the evidence against him. You will find that, as in almost all cases of murder, that evidence is purely circumstantial; no man but a madman commits such a crime when the eyes of any but accomplices are upon him. But you have all too much good sense and experience not to know that a long chain of circumstantial evidence, perfect and unbroken as this seems to me to be, is more strong, more conclusive than even direct evidence. In such cases, to suppose a fraud on the part of the witnesses for the crown, is to imagine that an immense number of persons are all combined in one common league to destroy another, and that they have so well arranged their scheme that cross-examination will not unravel it: whereas, in direct evidence, often afforded by one or two witnesses only, a much greater opportunity is to be found for successful falsehood if any motive for injuring a prisoner exists. I do not ask a verdict at your hands. I am far from desiring one against the prisoner at the bar. I pray

Heaven that he may be able to exculpate himself and quit that dock free from all suspicion. Even if there be a reasonable doubt in your minds, you must give him the advantage of it; but you will remember that it must be a reasonable doubt. You must not say to yourselves, 'Perhaps he did not commit the act, after all,' because no one saw him commit it; but if the chain of evidence is clear and convincing, you must remember your oaths, your duty to your country and your God; and, having consulted only conscience, express by your verdict the conviction of your minds, as you will answer for it at the dreadful day of judgment."

The learned gentleman sat down after having produced a terrible effect upon the minds of the jury; but the judge, who was accustomed to such speeches, and moreover hungry, interrupted the further proceedings by inquiring, in the most common-place tone in the world, if the evidence for the prosecution could be got through that night. There seemed some doubt upon the subject; and as it was now late; for the counsel had spoken very slowly, his lordship suggested that it would be better to take the evidence of

one witness, and then adjourn to the following day. The testimony given was of little importance, for it only went to prove the identity of Chandos Winslow with John Acton—a fact which there was no intention of denying; and after it had been heard the court rose.

CHAPTER XIV.

THERE had been long and anxious consultations during the evening upon the case of Chandos Winslow: first came the question whether the objection to the indictment should be pressed; and it was ultimately agreed that it should not be altogether abandoned, although the leader seemed much more confident of making a good defence than his junior. Then came the important question of cross-examination; and Sir ——, with tact and delicacy, but in a very decided manner, pointed out the course which he thought it would be necessary to pursue, and the objects that he wanted to establish.

"Our good friend, the serjeant," he said, speaking to the younger lawyer, "thought he had made a hit this morning in regard to the

gipsy boy; but he was doing our work for us. We must endeavour, my dear sir, to-morrow, instead of shaking the boy's testimony, to render it as precise as possible, so as to leave not the slightest doubt that the murder was committed between ten minutes or a quarter past five and half-past five; and we must endeavour to get from the old woman—Humphries, I think, is her name," and he looked at his notes—"an admission that Mr. Winslow might have left the cottage some minutes before five. For these two objects we must try, more than for anything else."

"I almost think that the game is rash," said the junior; "but you know best."

"We are positively precluded," replied the great barrister, "from the straightforward course of defence. I, individually, am placed in the most awkward position as the friend of the prisoner. I believe I ought not to have seen him at all; but my regard for him overcame my prudence; and when I did see him, he made communications to me which, while they left no doubt of his innocence greatly embarrassed me, under the circumstances, as to the defence. Those circumstances I cannot

explain, even to you, my dear friend, all legal etiquettes, notwithstanding; but you will forgive me when you know that he bound me by a solemn promise not to reveal them to any one."

The conference did not terminate till late; and the little solicitor was in a mighty fuss from having found that the general opinion of the bar was decidedly against his client; a matter of no slight importance, be it remarked; for the bar is very seldom wrong.

On the following morning, at the usual hour, the judge took his seat, and the jury their places; the court was even more crowded than on the day before, and the prisoner was once more placed in the dock. No change had taken place in his appearance, except, perhaps, that he was even a shade graver. He asked, however, to be permitted the use of a chair, and to be furnished with pen, ink, and paper, which was granted to him. The name of James Wilson was then called, and one of Mr. Tracy's footmen got into the box. I shall give his testimony in his own words:—"I am a servant in the employment of Mr. Tracy, of Northferry House. I was so on the fifth of February last. I re-

member on that day, about five in the evening, a gentleman coming to the door and asking me if I could tell him where to find Acton, the head-gardener. I answered that I could not, for that he had been absent for some time, by Mr. Tracy's leave. The gentleman seemed very much vexed, and I think said, 'How unfortunate!' But Mr. Jones, my master's valet, who was crossing the hall at the time, came up, and said, 'No, no, Wilson; he came back this afternoon.' And then turning to the gentleman, he said, 'If you go through that glass-door, sir, and across the lawn, you will most likely find him somewhere in the grounds. If not, he must be at his cottage in the lane just beyond; any of the gardener's men will show you the way.' The gentleman then crossed over, as he had been directed, and went out into the grounds. I had never seen him before, but I remarked his face well. I never saw him afterwards alive; but the same night, about ten o'clock, I was called upon, with several more, to go down to a tool-house not far from the fish-pond, and I then first heard that the body of a dead man had been found and conveyed thither. The moment I saw the corpse, I knew it was that of

the gentleman who had been inquiring for Acton. The body did not seem to have been rifled; and some money, a pocket-book, a watch, and a pair of spectacles, were taken from it by Mr. Tracy, as well as several loose papers; all of which he gave to Taylor, the butler, to keep, telling him to mark them, and, as I understood him, to give them to the constable. After looking at the body, we all went down to the place where the under-gardener had found it; we looked, as well as we could by the light of a lantern, for steps, but we could not find much then. As we were looking for the marks of steps, I found what they call a Dutch hoe, the iron part of which was covered with blood, and there was some gray hair sticking about it. When we went back to the tool-house where the body lay, Mr. Tracy sent for Acton, the head-gardener, who came up directly; he walked straight up to the body, when he was told a man had been found murdered in the grounds; and, in answer to a question from Mr. Tracy, said, he knew the dead man quite well, that his name was Mr. Roberts, and that he was agent to the late Sir Harry Winslow. He seemed very sad, but

quite calm and cool. I see the person I call Acton in the court. He is the prisoner in the dock. I cannot say whether he was surprised or not; he certainly looked horrified. Mr. Tracy showed him the hoe, and asked him whose it was. He replied immediately that it was his, and said, that he had left it leaning against one of the pillars by the fish-pond, while he spoke a few words to Miss Rose Tracy; he also said that he had quitted the garden immediately after speaking with Miss Rose."

"Did he make any remarks upon the hoe?" asked the examining counsel.

"He took it up," answered the witness, "looked at it for a minute, and then said the murder must have been committed with this."

The examination in chief here closed, and the counsel for the defence rose to cross-examine the witness.

"You have told us," he said, "that when Mr. Roberts called at Northferry House, in the evening, you remarked his face well. Had you any light in the hall?"

Witness.—"No sir; but there was light enough to see, and the gentleman was quite close to me. The evening light comes through

the glass doors; and what there was of it fell right upon him, so that I could see him quite well."

"That might very well be," said the barrister, "at a quarter after five, or even later: is it not so?"

"Oh dear yes, sir," replied the witness; "and I recollect now, it could not be more than ten minutes after five; for Mr. Taylor said to me just the minute before, 'James, it is past five, and you have not rung the first bell;' and I looked at the clock over the kitchen door, and saw it was six or seven minutes after. I was running up to ring the bell when the gentleman came, and asked for Mr. Acton."

"Then was it ten minutes past five when Mr. Roberts called?"

"About it," answered the witness.

The Judge.—"How long would it take to walk down from the house to the place where the body was found?"

Witness.—"About ten minutes by the walks, my lord."

Judge.—"What do you mean when you say 'by the walks?'"

"Why, a man may cut across the lawns," said the witness.

Judge.—"Did Mr. Roberts cut across the lawns?"

Witness.—"Only a little bit; and then took the gravel walk on the right, through the shrubberry."

After a short pause, this witness was ordered to go down; and Lloyd Jones was called.

I shall proceed, copying from the report of the trial in "The Times."

Lloyd Jones said—"I am valet to Mr. Tracy, of Northferry House. I remember the fifth of February last. On that day, about five o'clock, I was passing through the entrance hall, towards my master's dressing-room, when I saw a gentleman at the door, speaking to the last witness. I heard him ask for Acton, the gardener, and the last witness say that Mr. Acton was absent. Having heard one of the men say he had seen Acton a few minutes before, going to his cottage, I stepped forward and told the gentleman he had returned, and would most likely be found in the grounds, if he would go through the glass doors on the other side of the hall, and seek him. He said

he would; and I opened the glass doors for him. He cut across the corner of the lawn, and went down the gravel walk. He walked rather fast, and seemed eager to see Mr. Acton. I did not go down to the tool-house with Mr. Tracy when the body was discovered. I happened to be out at the time; but I saw the corpse next morning. It was that of the gentleman I had seen speaking to James Wilson. I never saw the person before. The prisoner at the bar is the person we have always called Acton. It was about five o'clock when the gentleman came, I know; because the first bell had not rung, and it always rang at five. There are two bells rung every evening at Northferry; one at five and one at half-past. My master dines at six in the country, and at half-past seven in London. The second is called the dressing-bell. I am quite sure it was not the second bell, which had not rung. It was the first; for I always go to put out Mr. Tracy's things when the first bell rings."

Cross-examined by Mr. B ——. —"You say that you always go to put out Mr. Tracy's things when the first bell rings. How came

you to do so on that night before it had rung?"

Witness.—"Because it was later than usual. I suppose Wilson had forgot it."

Counsel.—"Then you were in a great hurry, I suppose, to get your work over, and to go and play the gentleman in the housekeeper's room."

Witness.—"No sir, I was not; but I know my duty, if other people do not; and when I found by my watch that it was some time past five, and the bell had not been rung, I said to Mrs. Hilston, 'If they do not choose to ring the bell, it is no affair of mine. I will go and get master's things ready.'"

Counsel.—"You seem to be a very punctual gentleman, indeed."

Witness.—"I hope I am, sir."

"And pray how far did your punctuality extend on this occasion," said the prisoner's counsel, in a sneering tone; "that you should risk getting a fellow-servant into a scrape, by taking notice that the bell had not rung at the right hour? It was not above two or three minutes too late, I dare say."

Witness.—"I beg your pardon, sir; it was near a quarter-of-an-hour."

Counsel.—"Are you quite sure?"

"Yes, I am quite sure," answered the witness; "for I looked at my watch."

Re-examined.—"James Wilson is usually very accurate. I am sure I did not intend to say a word against him; but that night he was a little late. It might be ten minutes, or a quarter-of-an-hour. I cannot say to a minute. I know it was a good deal after the time."

Edward Taylor was then called, and identified the prisoner as the person who had served Mr. Tracy in the quality of gardener, under the name of Acton. He then went on as follows:—"About a quarter-past ten I was called to speak with Slater, the under-gardener, who seemed in a great fright. He told me that in going his round, as he always did at ten, he had found a dead man, lying near the pond of gold-fish. I went directly down with him, thinking he might be mistaken, and that the man might only be druuk. We took several of the servants with us and a lantern. James Wilson was one of the party. We found there the body of Mr. Roberts, quite dead and stiff, and took it up amongst us, and carried it to the tool-house in the shrubberry. I sent up

at once to tell Mr. Tracy, who came down directly. We did not do anything to the corpse, but carry it to the tool-house and lay it on the bench. We did not examine the pockets till Mr. Tracy came. There was the mark of a blow just above the temple, and a deep wound a little further back, with some of the brains smashed upon the hair. There was a great deal of blood about the corpse: the shirt-collar was all soaked with it. When Mr. Tracy came he examined the pockets and took out a letter, which I have delivered to the constable of Northferry. The letter was addressed to 'Richard Roberts, Esq., Winslow Abbey;' and was signed, 'Chandos Winslow.' Besides the letter, Mr. Tracy took out two or three papers, a pocket-book, a purse, a watch and seals, and a pair of spectacles. As soon as he took anything out of the pockets, he handed it to me, and by his orders I marked it as well as I could with a pencil. I have delivered the whole to the constable, in whose possession I believe they still are. He will produce them."

The witness then went on to describe the examination of the spot where the body had

been found, and confirmed, in all respects, the evidence of the footman.

The next questions were, as to the conduct and demeanour of the head-gardener when summoned to the tool-house, by Mr. Tracy's order.

To interrogatories upon this subject, the witness replied,—"When he came into the tool-house, he seemed grieved and sad, but not at all surprised. He expressed no surprise, but looked at the body very sadly, and told at once who it was. He acknowledged that the hoe was his, but said he had left it leaning against the pillar; and, after loaking at it, he said the murder must have been committed with it. He said, he left the garden immediately after speaking a few words with Miss Rose, near the fish-pond."

Judge.—"I suppose you call Miss Rose Tracy; but I do not see her name here."

"We took it for granted, my lord, that she would be called for the defence," said the counsel for the prosecution.

"I beg leave to say that the crown had no right to take that for granted," observed Sir ——; "all that we could wish to get from

Miss Tracy could be obtained by cross-examination, or perhaps would appear in her evidence in chief."

Judge.—"I think she ought to have been called for the prosecution. Will you proceed?"

"Which way did the head-gardener return to his cottage after having left the tool-house?" was the next question.

Witness.—"By the house; for the door near the gardener's cottage was ordered to be locked. He could not pass to and fro between the spot where the body was found and the hawhaw, without coming round again by the house, or getting over the hedge or gate."

Here ended the examination-in chief; and as it came to a conclusion, a small slip of paper was handed from the prisoner to his counsel, who read it, and immediately began the cross-examination. "You say that before Mr. Tracy was informed of the fact of the murder, you went down with some of the upper servants and removed the body to the tool-house. At that time did any of you go from the spot where the corpse lay to the haw-haw?"

Witness.—"No, sir: we took up the body as

soon as we were sure the man was quite dead, and carried it to the tool-house."

"Will you swear," asked the counsel, "that when you afterwards examined the spot with Mr. Tracy, none of you went down to the haw-haw? Remember, sir, you are upon your oath."

Witness.—"I never said nobody went down. Perhaps they might. I don't recollect."

Counsel.—"Your memory seems to halt very strangely. Will you swear that one of the men did not go down and look over the hedge into the hawhaw to see if there was anybody there?"

Witness.—"I believe one of them did; but I am sure I do not recollect who it was."

Counsel.—"Oh! Now, sir, for another part of the subject; and be so good as to be a little sincere; for recollect that you are sworn to tell 'the whole truth,' as well as 'the truth.' You have said that Mr. Tracy ordered the gate near the head-gardener's cottage to be locked. Pray, did he do this of his own mere motive, or was it suggested to him?"

Witness.—"It was suggested to him by Mr. Acton, that is to say, Mr. Winslow, who said, that it would be better to lock that gate, and

then the men, having to go another way to their work, would not put out any marks that might be upon the ground; and he gave up to Mr. Tracy his own key."

Counsel.—"Well, that was not very like a guilty man. Now tell me, was the ground hard or soft at that time."

"Soft, sir," answered the butler; "for the frost had not long broke up."

"Then the marks of all the feet which went about the place would be very distinct?" said the counsel.

Witness.—"Why, sir, there were such a number of them, that they must have cut one another up a good deal."

Counsel.—"Pray, were you with the constable on the following morning, when he went to trace and measure the steps?"

Witness.—"Yes, sir."

Counsel.—"Pray which of the line of traces was it that corresponded with the shoes of the prisoner."

Witness.—"They were all the same. There were two lines, one from the fish-pond to the haw haw, and one back again to the spot where the corpse was found."

"That is to say, merely to and fro," said the counsel.

Witness.—"Yes, sir; I did not see any more."

"Pray, did you measure any body else's shoes?" was the next question; but immediately the counsel for the prosecution rose and objected to the course of the cross-examination.

He said "that nothing in the examination in chief could naturally lead to the questions now asked."

"I seek, my lord," said Mr B——, "simply to elicit the truth, which is, I believe, the object of the court. The witness has admitted that one of the men, in examining the spot after the murder, went from that spot to the hawhaw and back; and that there were but two lines of traces. Now I wish to show—"

Judge.—"I cannot allow the argument to go on. There are rules of evidence which no one is better acquainted with than the counsel for the defence. He must be aware that this line of cross-examination is inadmissible."

Counsel.—"I bow to the ruling of the court. You may go down, sir."

He had, in fact, obtained nearly all he desired; and it may be as well to remark, that poor Mr. Taylor was one of those victims of the bar who, on entering a witness-box, show a certain sort of nervousness, which immediately indicates to cross-examining counsel, the existence in their minds of a quality which may be termed *perplexability*; which, like the scent of the hare or the fox, instantly leads the whole pack in full cry after them. Poor Taylor was as honest a man as ever lived; but yet, confounded by his cross-examination, and not very well recollecting the exact circumstances of events which had taken place when his hair was standing an end with horror, he had told, or admitted—which comes to the same thing—an exceedingly great falsehood. None of the men who examined the spot with Mr. Tracy, had gone down to the hawhaw; but the counsel had put it in such a way that, in his confused remembrance of the events, he was at first afraid of denying it; and afterwards became persuaded it was true. Had he remained much longer in the witness-box, and had the counsel been permitted to pursue his own course, there is probably

nothing in the range of possibility which Mr Taylor would not have vouched upon oath; for he was becoming more and more confounded every moment.

The counsel for the prosecution saw the state he was in too well to venture to re-examine him; and thus he was suffered to depart in peace.

The next witness who was called was 'William Sandes;' and a stout countryman entered the witness-box, with a somewhat heavy, dogged countenance. He deposed as follows:—"I am a labouring gardener in the employment of Arthur Tracy, Esq. I remember the events of the fifth of February last distinctly. I had worked in the garden all day, and at five o'clock in the evening I was returning home with my son behind me. In the walk that leads from the pond of gold fish—what we call the Temple basin—to the gate by the head-gardener's cottage, I met Mr. Acton, the prisoner at the bar—I did not know he had come back. He had a hoe in his hand—what we call a Dutch hoe. I have seen a similar one in his hands often before. I saw the same, or one very like it, before the crowner's jury—"

The prisoner here said aloud, "The hoe was mine."

The witness then continued: "Mr. Acton spoke a few words to me and to the boy. I know him quite well, having served under him some months. I can swear it was the prisoner I met. He was going from the gate near his own house towards the basin. He had on a fustian coat with large pockets, such as he generally wore on working days. I did not look at his shoes. I did not hear of the murder till late that evening, when one of the servants from the house came down for the key I have of the gate. He woke me out of bed, and told me a man had been found murdered in the grounds. I went the next morning before the crowner and told all I knew."

The witness was then cross-examined.—"What induced you to go before the coroner, when you knew nothing of the murder?"

Witness.—"Why the servant, that is, Burwash, the boy, who was sent for the key, said that they all thought Mr. Acton had done it; and so I said, 'Likely enough; for I met him just going down that way.' And then he said I

must go before the crowner, for Mr. Tracy had sent for him; and I said I would."

Counsel—"Very kind and liberal on all parts! But now tell me if you were quite sure it was the prisoner. Remember, the sun was down, and it must have been darkish."

Witness.—"Not a bit of it. It was quite light, master. I don't think the sun was down. I saw him as plain as I see you."

"Pray, how could that be at past five o'clock?" asked the counsel.

Witness.—"I did not say it was past five o'clock. It might be a minute or two before."

"But what I want to know is, are you quite sure?" continued the counsel; "suppose another man, very like the prisoner, had passed you in the same dress, at past five o'clock on a darkish evening, can you swear that you would have distinguished him from the prisoner at the bar?"

"Why, I tell you as plain as I can speak, it was not past five," cried the witness; "it might be a quarter afore, for that matter."

Counsel.—"Ah! Then it was a quarter before five, and broad daylight, was it?"

Witness.—"Yes, sir, it was."

Counsel.—"Now then for another question, my man. I see you are a good downright fellow, who will speak the truth for or against, without caring. Did you and the head-gardener ever have any quarrel?"

Witness.—"We once had a bit of a tiff?"

Counsel.—"What was it about?"

The counsel for the prosecution objected to the question. The judge said he did not see how it bore on the examination in chief; but Mr. B—— insisted, and he was supported strongly by his leader, who declared that the answer of the witness would immediately show the connexion. If it did not, it could be struck out of the evidence.

Counsel for the crown—"After the impression has been produced?"

Counsel for the defence—"Not at all. The cause of the quarrel is immediately connected with the examination in chief. My learned friend does not venture to put the question in a leading shape, as some counsel would not scruple to do. But if we are overruled, I will so frame the question in one minute as to be unobjectionable in point of form, and perhaps less

pleasant to those who seek a conviction, than in its present shape."

He spoke with some heat, and the question was allowed, and repeated.

Witness.—"Why, it was in January last, when there was little to be done in the garden, and I went away a bit before the time, because it was our club night. He jawed me about it, and said as long as he was head-gardener the men should keep their time."

Counsel.—"On the night of the fifth of February, I think you said that you did not know the prisoner had returned till you saw him?"

Witness.—"No, that I did'nt."

Counsel, emphatically.—"I have done."

Witness re-examined.—"I think it was five o'clock when I met the prisoner, I cannot exactly say. I have a watch, but I do not always look at it: I did not that night. I guessed it was five, and I went."

The next witness was Mr. Andrew Woodyard, surgeon, who deposed that he had examined the dead body of a person who, he was informed, had been found in the grounds of Mr. Arthur Tracy, of Northferry House. He had discovered,

he said, severe injuries on the head, consisting of a contusion over the left temple, and a contused wound further back, on the same side, which had fractured the skull and injured the brain. The latter was the immediate cause of death. It must have been inflicted with a sharp instrument. A blow from a Dutch hoe would probably produce all the appearances which he had observed. He had no doubt that the wound was the cause of death.

Counsel for the prosecution.—"Would such a blow always produce death as an inevitable consequence?"

Witness.—"No."

Counsel.—"In what cases do you think, Mr. Woodyard, a more favourable result might be anticipated?"

Witness.—"In cases of idiots, of atheists, and of young lawyers: that is to say, where the brain is soft, is wanting, or is wrong placed."

Counsel for the defence, laughing.—"We shall decline to cross-examine this witness;" and, without moving a muscle of his face, Mr. Woodyard was about to quit the box, when the judge exclaimed in a severe tone, "The witness

will do well to remember, that to give evidence in a court of justice is a serious matter."

"I am perfectly serious, my lord," replied the surgeon, turning full upon him; "I am well aware that none but judges and queen's counsel at the lowest, are permitted to play the fool in such places as this."

"I have a great mind to commit you, sir," thundered the judge, bending his brows upon him.

"In so doing, my lord, you would commit yourself," said Mr. Woodyard; and without waiting for the falling of the storm, he hurried out of the court. The judge hesitated. The judge was angry, but he saw that the trial was likely to be long. He did not like interludes; and Mr. Woodyard escaped.

Michael Burwash was then placed in the box, and deposed to all the facts which had been proved by the other witnesses who had accompanied Mr. Tracy to the tool-house on the night of the murder. He also stated that he had been sent to ask Sandes for the key; and in addition to the evidence of the others, he said he had seen the gentleman who was murdered cross a

corner of the lawn a little after five o'clock, on his way to the spot where the body was afterwards found. The counsel for the defence did not cross-examine him upon any of the points deposed to by others. They were wise men, and let well alone. The first question the junior counsel asked was, "Pray, what did you say to Mr. Sandes when you asked him for the key?"

Witness.—"I told him a man had been found murdered in the grounds, and master did not wish to have the footmarks disturbed."

Counsel.—"Nothing more?"

Witness.—"I might say a word or two more."

Counsel.—"Out with it, young man; we must have the whole."

"Why, I told him," said the witness, after having looked at the stern face of the judge, and the impatient face of the leader for the prosecution, "that all the servants thought that Mr. Acton had done it; and that he ought to go before the coroner."

"What made you and the servants think the head-gardener had done it?" asked the barrister.

Witness.—"Because he was in the grounds

the last; and because we all thought him so Eugene Aram like. He kept by himself, and talked Latin and all that."

Counsel.—"I am afraid we of the bar are in great danger of accusation of murder. This is the best reason ever given for having the pleadings in English. You say, witness, that Mr. Acton, or the prisoner at the bar, was the last person in the grounds; how did the servants know that?"

Witness, in a whimpering tone.—"I cannot tell."

Counsel.—"I must have some answer. Will you swear that you yourself did not see some person in the grounds after you saw Mr. Roberts cross the lawn?"

Witness.—"No, I won't swear, because I did."

Counsel.—"Who did you see; and when?"

Witness.—"I don't well know who it was; but about ten minutes after Mr. Roberts went across, I saw some one come up the dark walk—I was shutting the dining-room window-shutters at the time—and he went in by the door of the green-house."

"Then is there a way through the green-

house or conservatory into the house?" asked the counsel.

"Yes; it leads into the hall on the left hand side," replied the witness.

Counsel.—"Now we must hear more of the person. Who was it?"

Sir —— turned and looked towards the dock. Chandos was sitting with his arms upon the bar, and his eyes buried on them.

"I do not know—I cannot swear," replied the witness.

Counsel.—"Was it Mr. Tracy?"

Witness.—"No; it was a taller man than he."

"Was it General Tracy?"

"No; not so stout by a good deal."

Counsel.—"In a word: was it the prisoner at the bar?"

Witness.—"No; he is a good deal taller than the gentleman I saw."

Counsel.—"Was it a gentleman, then; or any of the servants?"

Witness.—"It looked like a gentleman's figure; but it was growing dark, and he walked on very quick indeed. I could not clearly see who it was."

Counsel.—"I have done with you;" and he sat down with a look of satisfaction.

There was a murmur amongst the bar. The case for the prosecution seemed breaking down. It was a result not at all expected, and the cross-examination by the junior, who was a very young member of the profession, but blessed with several eminent solicitors for relations, was looked upon as highly creditable. None of the barristers were for a moment deceived. They all clearly saw and understood that several of the witnesses had been perplexed and confounded; and nothing had shaken their conviction of the guilt of Chandos Winslow till the admission made by the last witness, that some one had been seen entering the house of Mr. Tracy, in a hurried manner, and by a private and somewhat obscure entrance, some ten minutes or quarter-of-an-hour after the murdered man had passed across the lawn. It was, in truth, the first fact for the defence; and legal acumen instantly detected that this was a verity of great importance. None of the lawyers present, however, were ignorant of the great impression which the admissions extracted from

other witnessess might make upon a jury, if followed up by any available line of defence; and they, therefore, as I have said, looked upon the case as breaking down, under a pressure of doubts, all of which must be favourable to the prisoner.

There has seldom been a trial, however, in which the opinions of the most acute and sensible men varied so often, under the different aspects which the evidence gave to it at different times. Through the examination of the next witness the same feeling prevailed, namely, that satisfactory proof would fail. The person who succeeded Burwash in the witness-box was Henry Haldemand, the constable of Northferry, who, after stating his rank, condition, and degree, went on as follows:—

"There were delivered to me, when I went down, on receiving Mr. Tracy's message, several articles which had been found on the person of the deceased. I here produce them. The first is a letter, marked No. 1."

This was the letter which Chandos had written to Mr. Roberts on the night preceding the murder, and it was ordered to be read aloud. As the reader has, however, already perused it,

it will not be necessary to reproduce it here. The impression did not seem so great upon the court as the counsel for the prosecution expected.

The snuffling tone in which the letter was read detracted from the effect; and it was generally regarded as merely showing that some sort of dispute might have existed between the prisoner and the deceased, without by any means establishing a sufficient motive for so great a crime. It gave an additional shade of probability to the charge, but that was all. Other papers, marked Nos. 2 and 3, were produced; but the counsel for the prosecution thought they did not bear upon the case, and they were consequently not read. The watch, the purse, and the pocket-book, of course, threw no new light upon the matter, and only occupied a few minutes more of the time of the court. The constable then went on with his evidence in the following strain:—"Early on the morning of the sixth of February I went to the spot where the dead body had been found; I took with me Alfred Tims, shoemaker, of Northferry. We found a great many footmarks round the spot where the deceased had been

lying, so many, that we could make nothing of them. One line of steps we traced from the spot to the hawhaw; they were very distinct upon the turf; the heel was towards the hawhaw, the toe towards the spot where the murder was committed. We found another line like it from the fish-pond to the hawhaw; the heel was towards the fish-pond, the toe towards the hawhaw. In the dry ditch beyond the hedge were several of the same footmarks, and the hedge seemed to have been broken through. We measured the footmarks exactly; there was but one line, either coming or going, made by a right and left foot. After we had measured the marks, I went up to the cottage of the headgardener, from information I had received, and desired to measure his shoes. He offered no opposition, and produced the pair he had worn on the night before. They had not been cleaned; and it seemed to me that there was some blood on the toe of the right shoe: I can't swear it was blood; but there was certainly something red upon it. We took away the shoes with us, and went back to the spot in the grounds. The shoes corresponded exactly with the marks to and from the hawhaw, and with those in the dry ditch.

In the latter we found one very distinct print; there were some small nails in the outside edge of the shoe, and marks corresponding on the ground. I afterwards went back to the cottage of the prisoner, to examine his clothes; but found that he had gone down to Northferry, and taken the clothes he had worn on the preceding night with him."

The cross-examination then commenced, and the counsel for the defence said, "Two or three questions will be enough, witness. Are you aware why the prisoner went down to Northferry and took his clothes with him?"

Witness.—"To attend the coroner's inquest, I believe. I know he went there."

Counsel.—"Voluntarily?"

Witness.—"Yes, I believe so."

Counsel.—"Pray did you measure the shoes of any one else besides those of the prisoner?"

Witness.—"No, I did not."

Counsel.—"Were you informed that one of the men who accompanied Mr. Tracy on the night before had gone down to the hawhaw, to see if there was any one concealed in the ditch?"

Witness.—"No, I never heard it."

Counsel.—"That is a pity. I have done."

Judge.—"Where are the clothes? for by the notes of the inquest they are important."

Witness.—"They are in the hands of an officer of the rural police. I belong to the parish of Northferry: it is not in the same county. Mr. Tracy's house is in this county, but Northferry is not." All the counsel wrote rapid notes, expecting, probably, some nice points of law.

A sergeant of rural police was then called, who produced a fustian coat, upon the arm of which was evidently a large stain of blood. It was on the inside of the arm, just at the bend, and there was no mark upon the cuff. His evidence was very short. "I took the prisoner into custody," he said, "after the coroner's jury had returned their verdict: he had the coat I produce with him. I examined his person: his hands were considerably torn and scratched, as if with thorns; in his pocket there was five-and-thirty pounds six shillings, in gold and silver, and also three letters, addressed to 'Chandos Winslow, Esq.' It was then I first became aware of his real name. I had seen

him more than once before; but always thought his name was Acton. He gave no explanation whatever in regard to the charge against him; but said, when we were in the chaise together, that the coroner's jury had done very right; for the evidence was strong, although he was perfectly innocent."

Witness, in answer to the judge.—"The prisoner bore an exceedingly good character in the neighbourhood, as a kind and humane young man. He saved a lad from drowning—fetched him out from under the ice, where he had been sliding, and never left him till the doctor had brought him to."

This witness was not cross-examined; and the next witness that was called was "Alice Humphreys." The poor old woman, who for the last three months had acted as servant to Chandos Winslow, walked with anxious look and trembling steps into the witness-box, and cast a scared glance round the court, passing over the array of jurors and barristers, till at length it lighted on the prisoner's dock, when she exclaimed, in simple sorrow, "Oh, dear, sir! dear me! To think of this!"

Chandos Winslow gave her a kind look; and the judge exclaimed, in a sharp tone, "Attend to the business before you, witness."

With a faltering voice, which called upon her many an injunction to speak out, the poor old woman deposed as follows:—"I am servant to the prisoner, and had kept house for him for about three months on the fifth of February last. He had then been absent, by Mr. Tracy's leave, about a month, and he came back on that day about half-past four. He seemed very gay and cheerful, and asked me a great number of questions, which I do not recollect. I remember he asked about the little boy, Tim, that is the gipsey woman's son, whom General Tracy took and put to live with us. Mr. Acton asked why he was not there, and where he was; and I told him the young ladies sent him every day to the day-school at North-ferry. He seemed to be in a hurry to go out again, however; and said he must take a look round the grounds before it was dark; so that he did not much listen to me. It was just five when he went out again. I know it was five, because the clock went as he opened the door. He was gone about an hour, or a little better.

The boy, Tim, was late before he came home; he did not arrive till half-past five, or more; and he usually came at a quarter before five. When I scolded him, he said he had seen his mother in Northferry, and she had kept him; and he told me, besides, he had seen a man asleep in the grounds."

Judge.—"That cannot stand in evidence."

Counsel for the prosecution.—"Very well, my lord: we will have the boy. Now, my good woman, when did the prisoner return?"

Witness.—"He was away more than an hour, and it was quite dark when he came back."

Counsel.—"Describe his appearance."

Witness.—"Why, sir, he was as white as a sheet, and his hands were all over blood. The little boy ran up to him directly; for Tim is very fond of him, as well he may be, for he's a kind, good gentleman as ever lived. But he said, 'Stay a bit, Tim, I will come down again in a minute.' And then he went up stairs to his room, which is just over the parlour; and presently after, as I was putting out the tea-things, I heard some water thrown out of the window. When he came down again, the blood was off his hands, and he had another coat on."

Counsel.—" Did you observe anything particular in his manner or demeanour during the evening?"

Witness.—" He was very sad, and astray like, all the time. He took the boy and kept him by his knee, and asked him a great number of questions about his learning, and heard him a part of his catechism. He said he had been a very good boy, and if he always behaved well and did his duty, he would be a happy man; but he kept falling into studies, as if he was thinking of something else; and once or twice he got up and walked heavy up and down the room. He did not say anything about what had made his hands bloody, nor take any notice of where he had been."

Counsel.—" Did you remark if his hands bled at all after he came down?"

Witness.—"No, sir, I did not see them bleed. They seemed quite white, as they always were: whiter than most gardeners' hands."

In answer to other questions, she proceeded to state that the prisoner took a Dutch hoe with him when he went out, and had none when he came back; that about half-past ten he was called

away to speak with Mr. Tracy, and then she heard of the murder; that she went up to his room during his absence, to see if anything wanted putting to rights, when she found his coat, all bloody on the sleeve, thrown over a chair, and the marks of bloody hands upon the towel. When he came back," she deposed, "he seemed very sad, but not so astray-looking as before; and he told her that the gentleman who had been murdered was a friend of his, and that he should have to go down and give evidence before the coroner. He bade me wake him, too, if he overslept himself," continued the witness; "for he said he had walked a good way in the course of the day, and was very tired."

Here ended the examination by the counsel for the prosecution; and a momentary consultation was seen to take place between Sir —— and his junior.

"No, no; go on," said the great barrister; "no one could have done it better. I am perfectly confident in your judgment."

"But I am somewhat fatigued," said Mr. B——; "and as it is of so much importance, I would rather you undertook it."

"Very well; to relieve you, but for no other reason," said Sir ——, and he rose to cross-examine the witness himself.

"When I remind you, witness, he said, that you are upon your oath, it is simply because I believe you to have a sincere affection for your master, as every one has who has the honour and pleasure of knowing him; and I wish you to understand that nothing can so well serve him as the plain, undisguised truth. Give, therefore, clear and unhesitating answers to my questions, that the court, convinced of your sincerity, may attach due weight to your testimony. Did the prisoner, when he returned to his cottage, make any attempt to conceal the blood upon his hands or coat?"

"Oh dear no, sir," replied the witness; "he held his hands straight before him, and came at once to the light."

Counsel.—"When you saw the coat, did it appear to you that any attempt had been made to wash out the blood upon the arm."

Witness.—"No, sir. There it was, plain enough."

Counsel.—"Did you remark any scratches or wound upon his hands?"

Witness.—"Yes, sir, they were a good deal scratched, specially the left. There was a good big tear in that."

Counsel.—"Now, you say, he came in first about half-past four. How long did he stay?"

Witness.—"Some quarter of an hour or twenty minutes."

"But you say he went away at five," said the barrister; "how can that be?"

The woman looked puzzled. "Why, I heard half-past four go just before he came in, by the church clock; and clocks differ you know sir."

Counsel.—"They do. You marked his coming by the church clock. Pray what clock did you say struck when he went?"

Witness.—"No; it did not strike. It was the cuckoo that went."

Counsel.—"But does your cuckoo always sing right, my good woman?"

Witness.—"Not always, sir. It is a bit too fast at times."

Counsel.—"It is not worse than other cuckoos, I dare say. There are some of them fast, some of them slow, like men's minds—

> 'Tis with our judgments as our watches, none
> Go just alike, yet each believes his own.'

Can you give me any notion how much your cuckoo clock was usually before the church clock? It differed, of course; but on the average—at its ordinary rate of going?"

Witness.—"Why it got on two or three minutes a day; but I do not recollect when I last put it back with my thumb."

Counsel.—

> "'Ay, 'tis beyond the date of memory:
> Event upon event so oft hath trod,
> With quick recurring foot, 'tis hard to trace
> The worn-out print of Time's incessant step.'

But cannot you give me some idea of what day you usually put the cuckoo clock back with your thumb? These things acquire a regularity by habit which is rarely deviated from, especially in regard to clocks. Every man, woman, and child in the kingdom who has a clock, watch, or other indicator of Time's progress,

has some particular day, or perhaps hour for winding up and putting it right. Can you tell me what day you wound up your cuckoo clock, and whether you put it by the church or not on that day?"

Witness.—"I always wound it up o' Saturday, at about eleven, when I had put the pot on; and I generally set it to rights by the church, if I could hear it, that we might not be late at service the next day."

Counsel.—"And if you did not set it on Saturday, did you ever meddle with it during the week?"

Witness.—"Not that I remember ever. I did the two jobs together; for I had to get up upon the stool, which I was not over fond of, for the stool was old, and I was old; and if we had tumbled we might both have gone to pieces."

All the bar laughed heartily, and encouraged the good old woman amazingly; but the great barrister did not forget his point.

Council.—"Am I to understand you, that if you did not set the clock on Saturday, you did not set it during the week?"

Witness.—"No, never."

"Then can you tell me if you set it on the Saturday before the prisoner returned?" asked the counsel.

Witness.—"I can't justly recollect."

Counsel.—"Well, it got on two or three minutes a day, you say; so if you did set it on Saturday, the thirty-first of January, it would have got on from ten to twelve minutes, at the least, and might have done so a quarter-of-an-hour, before the evening of Thursday, the fifth; which would make your other calculation right, that the prisoner returned about half-past four, by the church clock, remained a quarter-of-an-hour or twenty minutes, and went away at five by the cuckoo, or a quarter to five by the church."

"That is likely," said the witness; "I dare say our clock was a quarter too fast—it generally was. It was quite light, I know, when he went away."

Counsel.—"Then I won't trouble you with any more questions, Mrs. Humphreys; and I am very much obliged to you for replying to those you have answered."

Witness.—" Well, you are a civil gentleman, I do declare!"

Witness re-examined.—" I am sure the clock went fast, not slow. I said I put it back that we might not be too late at church, because when it was right we were right, and if it were wrong we might trust to its being more wrong than it was.—Well! you are a saucy one!—The other is a very civil gentleman. But I do not see why you should take liberties with old women."

A roar of laughter followed in the court; and the judged coughed sonorously.

I should say that the merriest place on earth —I go no further—is a court of justice during certain criminal trials. It seems as if the solemnity of the scene, and the awfulness of the circumstances, brought out all that is risible with extraordinary effect, as a black background throws out a bright figure. Perhaps, few trials had ever excited more strong feelings than that which was now proceeding. There stood the prisoner, whose life was at stake, an object of admiration to many, of interest to all; in the prime of his youth and strength; eminently handsome; richly endowed with

powers of mind; of ancient lineage and high name; connected with some of the noblest in the land; kind, generous, high-spirited; with genius throned upon his brow and flashing from his eye: his life hung upon a word; and yet, the whole court laughed at the silly simplicity of a good but vulgar old woman—laughed cheerfully, as if there were nothing like life and death in the world—laughed as if human suffering and human crime were unknown in the place where they were met to inquire into the murder of one fellow-creature, and to adjudge another, either to prolonged existence with all its bright companionships, or to speedy death—the scaffold, the cord, the grave, the worm!

It was very horrible that laugh; and Chandos Winslow's brow grew dark, as if they were sporting with his fate. He could not laugh—he could not join in their heartless merriment. More than life was at stake for him—honour and good name—ay, and perhaps love. Verily, we human beings are lighter than vanity; and the lake of the spirits of men is rippled by the least of all possible breezes.

The judge was the only one ashamed at his

gravity being overset; and he endeavoured to cover his merriment by saying in a stern tone, "Old woman—that is to say, witness, you must respect the court. Was your clock right or wrong on this identical evening, the fifth of February? That is the question."

"I dare say it was not quite right," answered Mrs. Humphreys; "it seldom is for two days together; but how far wrong it was on that day I cannot tell—may be a quarter-of-an-hour, my lord."

"It is a very extraordinary thing," said the Judge, "that they will have such clocks in the country. Neither the clocks nor the rural police ever go right. You may go down, witness."

"Timothy Stanley" was now called; and something very small was seen making its way resolutely through the court towards the witness-box. The persons near stared at the child and drew back, treading on the toes of those behind; and one of the officers of the court caught hold of him to administer the oath. But the judge, who had a conscience, though it was peculiarly organized, shouted out: "Stay, stay! That is an infant. Put him in the box

for a moment before you swear him. Give him something to stand upon;" and, adjusting his spectacles, he gazed at the small intelligent features of the boy with interest and curiosity.

"Do you know the nature of an oath, my little man?" asked the judge at length.

The boy remained silent for a few seconds; and then the voice of Chandos Winslow was heard amidst the stillness of the court, saying aloud, "That he does, my lord. I taught him."

"Why does he not answer then?" demanded the judge.

"Because your language, my lord, is perhaps above his comprehension," replied the prisoner. "He is here as a witness against me; but if you would permit me to suggest, you would ask him first, What are the consequences of a lie?"

"Tell me, my little man," said the judge; "do you know what are the consequences of a lie?"

"Disgrace and shame amongst men, and the anger of Almighty God," replied the boy, readily.

The judge wiped his spectacles; for something touched him.

"Now, if you would pardon me, my lord," said the prisoner, "you would inquire, What are the consequences of calling upon God to witness a falsehood?"

"Do you know, boy," asked the judge, "what is the consequence of taking God's name to a falsehood."

"The loss of his protection for ever," said the little witness, "for the greatest offence and insult to his truth and holiness."

There were several eyes had tears in them and the judge said, "Swear him—you may swear him."

"I won't be sworn!" said Tim, stoutly.

"Why not, boy?" demanded the judge.

"Because I won't say anything that may hurt him," rejoined the boy, pointing to the dock.

There was again a silence, and Tim stood resolutely in the witness-box with his hands in his pockets, and his eyes fixed upon Chandos Winslow.

"My dear boy," said the prisoner; "nothing

you can say will hurt me if you tell 'the truth, and the whole truth, and nothing but the truth,' as they will put the oath to you. But if you are silent, they will think you know something against me."

"Oh! that I don't," cried the boy, clasping his hands.

"Then take the oath, and tell the whole truth," said Chandos; "by so doing you will do me more good than by any other course."

The boy gazed in his face for an instant, and then said, "Well, I will, then; for you always tell the truth; and I am sure you would not cheat me."

"Not for the world," said the prisoner; and the oath was administered.

The counsel for the prosecution hesitated for a moment or two, as if he doubted whether the boy's testimony would produce the effect he desired; but then he began the examination, touching but lightly on the point on which he had laid most stress in his speech. He was a sagacious observer of an opponent's proceedings, and he had already divined from the course of

examination pursued, that it was as much the object of the counsel for the defence to fix down the commission of the crime to a certain period, as it had at first been his own. He looked upon a criminal trial as a sort of game at chess, where there were certain moves of necessity, but where it was expedient to vary his play according to the skill and the moves of his adversary. The method in which he conducted the examination produced the following evidence.

Witness.—"On the fifth of February I went from the cottage of Mr. Acton—the prisoner—to the day-school at Northferry. I went about seven in the morning. I came back to dinner at one, and returned to school at two. I left school at a little past four. I met my mother at the corner of the lane, and went back with her into the town. She bought me two penny buns at the shop, and we sat down and talked in the market-place while I ate them. She had been selling rabbit-skins to the hatter. I do not know how she got them. She talked to me of a great many things. She asked me if Mr. Acton had come home yet, and I said, 'No.' She

said he would be home soon, for she had seen him. She did not say when she had seen him. She did not say whether that day or the day before. She only said she had seen him. The church clock had just gone five a few minutes before; and I said, 'I must get home, mother, or Dame Humphreys will scold.' She kept me about five minutes more, and then let me go. It was getting quite dark when I came to the gates of the house—Mr. Tracy's house; and as they were open and it saved a good bit I slipped in and down the walks, into the Lady's Walk. When I came into the Lady's Walk it was a little lighter there, for there were no trees to the west; and I saw some one lying upon the grass close to the fish-pond of gold and silver fishes. I am sure it was a man, for I said to myself, 'There is one of the fellows drunk.' He lay quite still, and I went up the walk and got over the gate to the cottage. The prisoner was not there when I arrived. He did not come in for more than half-an-hour. I ran up to him; but he said, 'Do not touch me, Tim. Stay a bit, and I will be down in a minute.' I saw that his hands were all bloody, and that there was a

great mark of blood upon his arm. He went up stairs and stayed some time; and when he came down he had on another coat, and his hands were clean. He was very white when he came in. His face is not usually white. He seemed heavy, but he heard me my catechism, and talked a good deal to me till I went to bed. I thought he looked strange, different from what I had ever seen him look before. Often while he was talking to me, he would begin to think, and stop in what he was saying; and once he got up and walked up and down the room. He was very strange till I went to bed."

Here ended the boy's examination in chief; and it was remarked that the counsel for the prosecution had not asked at what hour the witness had seen the man lying in Mr. Tracy's grounds, nor at what hour the boy had reached the cottage. Nevertheless, the impression produced by the witness's evidence was strongly against the prisoner. The simplicity with which it was given, and the evident bias of all his affections towards his friend and protector, when put in contrast with the facts which he disclosed—the pale face—the agitated demeanour

—the moody thoughtfulness—the bloody hands —the stained garb, told wonderfully upon the minds of the court and the jury. Nor did the cross-examination remove this impression, though Sir —— seemed perfectly unaffected by it, and rose with as calm and confident an air as ever.

"You are a dear, good little fellow," he said, in a kindly and almost playful tone; "and I wish to Heaven a great number of grown witnesses would take example from the clear and straightforward manner in which such a child gives his evidence. Pursue the same course, witness, and for my part, I will do nothing to puzzle or confound you; I seek but the truth."

Perhaps he took a little advantage of his high position at the bar, and the respect in which he was universally held, to commence the cross-examination in this discursive manner; but he then proceeded as follows. "You say that your mother asked you if the prisoner had returned home, and told you that he would do so soon, for that she had seen him. Can you recollect exactly at what time that was?"

Witness.—"It was after five, for the clock had struck."

Counsel.—"Did your mother leave you at any time after she first met you and bought you the two buns you have mentioned?"

Witness.—"Yes, she left me just the minute before she asked me that question: and she told me to sit by the pump till she came back."

Counsel.—"Did you yourself see the prisoner in the town while you were in Northferry that evening?"

Witness.—"No, I did not; but I think mother did; she kept looking down the street when she asked me."

Judge.—"That will not do; that is not evidence."

Counsel.—"Undoubtedly it is not, my lord; but I did not seek for it. Now, witness, tell me at what hour, as near as possible, you left the town."

Witness.—"The quarter had not gone, but it must have been hard upon it."

Counsel.—"And at what hour did you reach the gardener's cottage?"

Witness.—"I looked at the clock when I

came in, and it wanted a quarter to six; but then our clock is well-nigh a quarter too fast, and more of Friday nights, for Dame Humphreys only sets it on Saturday morning."

"Then by that calculation," said the counsel, "it must have wanted five-and-twenty minutes, or an half-hour to six when you got home. But tell me, do you know the clock very accurately?"

Witness.—"Yes, Mr. Acton taught me two months ago."

Counsel.—"And his kindness will save his life. How long does it take you, witness, to go from the gardener's cottage to Northferry? I am told the distance, from Mr. Tracy's house to the village or town, is nearly two miles: can you walk that distance in a quarter of an hour?"

Counsel for the prosecution.—"That is a leading question."

Sir ——. —"I only wish to make the whole clear to the jury. I am not seeking to puzzle or to mislead; but it has been stated that the distance is nearly two miles. The boy has said he walked it in nearly twenty minutes, and, without pretending to disbelieve him, I wish

him to explain, to reconcile the two facts, which at first sight seem incompatible."

Judge.—"I think the question may be put. If not put by counsel, I will put it. The point must be made clear."

The counsel for the defence then repeated the question.

Witness.—"I walked, and I ran a part of the way, because I was late; but the distance is nothing like two miles by the fields. I never take more than twenty minutes to go or come; and that time I went through the grounds, which saves a good bit. I know Mr. Acton once walked there and back in half an hour, and bought me a book too."

Counsel.—"Thus the matter is easily explained. One can see, by the plan submitted by the prosecution, that the high road to Northferry takes innumerable turnings and windings. Can you give me any distinct idea, witness, of what o'clock it was when you saw the body of a man lying by the fish-pond?—By Northferry clock, I mean."

Withess.—"It must have been half-past five, as near as possible."

Counsel.—"You are sure it was not six?"

Witness.—"How could that be? When I got home it wanted a quarter to six by our clock, and that is always a good bit too fast."

Counsel.—"You are sure it is never too slow?"

Witness.—"Oh dear, no. If I were to go to school by it I should always be there before any of the other boys."

Counsel.—"And you are sure the prisoner did not return for full half an hour after your arrival?"

Witness.—"It was more than that—five or ten minutes more."

Counsel.—"Did you see any scratches on his hands, making them bleed?"

Witness.—"No, I did not see any. His hands did not bleed at all after he came down again."

Counsel.—"How long might he be absent when he went up to his room?"

"Some five or ten minutes, I dare say," said the boy.

The counsel here sat down; and the boy was re-examined at some length by the counsel for the prosecution, without eliciting any new fact, or causing him at all to vary in his statements.

Four or five other witnesses were examined to various minute facts, of no great importance in themselves, but all bearing more or less upon the case.

The exact distance from Mr. Tracy's house to the place where the murder was committed, the proximity of the body, when found, to the temple over the fish-pond, the extent of space between that building and the hawhaw, and the distance thence to the gardener's house, were amongst the facts proved; and at length the counsel for the prosecution declared his case closed.

It was between four and five in the afternoon, and the judge, who for some time had been showing symptoms of impatience, inquired of the prisoner's counsel whether they thought they could conclude, that night.

"The court is intensely hot," said the learned judge. "We have sat here from an early hour in the morning; but I am most anxious that to-morrow should be left free for the remaining business of the assize; and if sure of finishing to-night, we would proceed with the trial, after taking some refreshment. I would

rather sit till midnight than not conclude to-day."

"Why, my lord," replied Sir ——, "I and my learned friend who is with me in the cause, think that four or five hours would be quite enough for us; but if there is to be a long reply, of course the business cannot be concluded to-night."

"I cannot limit myself as to my reply," said Sergeant ——. "Having an important duty to perform, and not knowing what will be the line of defence, I can make no promise as to time; and I can see clearly that my reply cannot be very short."

"Then the court will adjourn," said the judge, somewhat sulkily; and at the same moment he rose to retire.

Let it be remembered, that this day was marked in the calendar as the ninth of the month; for dates may be important things even in a novel, and in this instance a man's life hung upon the events of a single day.

CHAPTER XV.

It was on the tenth of the month, in a very beautiful valley, between bare hills, which, carrying their bold heads high above the rich cloak of vegetation that clothed both sides of the dell, seemed to cool them in the calm blue sky. Just above a waterfall, the same which has been before described, two large irregular masses of stone, differing in size, but both enormous, reared themselves up as gigantic door-posts, to the entrance of a small amphitheatre of cliff, not less than two hundred feet in height. The one rock had somewhat the appearance of a chair of colossal size, the other, fancy might shape into a reading-desk; and thus, amongst the people of the neigh-

bouring districts, the former had acquired the name of "the Pope's Throne;" while the other was called "the Puritan's Pulpit." Between them there was a narrow pass, of not more than ten-feet in width, and on either side was piled up a mound of loose shingly fragments, forty or fifty feet high, with a tree or a shrub here and there, where some vegetable earth had accumulated, forming a sort of natural wall, which joined the rocky portal to the spurs of the amphitheatre of crag. At several points, it is true, a man might easily climb over the mound, either to enter or issue forth from the space within; but the only smooth way was between the two great masses of stone, where was a carpeting of soft mountain-turf, with not a blade of grass more than an inch long in any place, while in one appeared the evident marks of often-treading feet, in a narrow line worn nearly bare.

With his back leaning against the base of the Pope's Throne, and the sunshine and shadow of a spring day chasing each other across his brow, was seated a stout gipsey, of four or five and twenty. Half-way up the mound, on the

right, reclining upon the shingle, might be perceived another, somewhat older than the former, in such a position that his eyes could rest from time to time, upon his companion below. The mound on the left-hand had also its man; but he could not be seen from without the natural enclosure, for he had stationed himself just over the top of the heap, obtaining a view into the little enclosure; and there he sat from six o'clock in the morning until eight, with a number of green osier twigs beside him, and a half-finished basket between his knees, at which he worked away like an honest, industrious man.

From within the circle, came forth at times the sounds of merry voices; and at one period of the morning there curled up a quantity of light bluish smoke. Sortly after, there trudged forth from the entrance an elderly man, with a pair of bellows slung over his shoulders, and an old spoutless tin kettle in his hand. Then all seemed quiet, and the man who had been making baskets, without changing his position, changed his attitude, and suffered himself to drop quietly back upon some mossy turf which

had gathered round the root of a tree, planted, Heaven knows how, amongst the stones.

About half-past eight o'clock, the figure of a tall stout man appeared, close beside the basket-maker. His step was slow and cautious; and the gipsey man did not move. He was sound asleep. The other stood and looked at him for an instant, with a look not altogether friendly: but the moment after he moved quietly on again, passed behind the tree and began to climb the ridge of the mound, towards the spur of the cliff. He took a step higher, and another, and another, with great care and precaution, often looking back at the man he had passed, often looking down into the little amphitheatre: but still he advanced steadily towards a part where there was not a space of more than ten or twelve feet between the summit of the cliff and the top of the shingly mound, with an ash-tree waving its branches under the shelter of the bank. He was within half-a-dozen paces of the top, when some of the loose stones giving way beneath him, rolled down, and startled the sleeper from his slumbers.

In an instant he was upon his feet. The next, he gazed up and gave a loud shout. The scene of confusion that followed was wild and strange. From a number of gipsey tents which had been pitched in the circle below, issued forth some twenty or thirty persons, men, women, and children, all in a state of great excitement, and all looking in the direction from which the shout had proceeded. The basket-maker sprang up after the climber of the hill, half-a-dozen young men followed from below; and one of the other watchers joined in what was evidently a pursuit.

But the fugitive had gained too much upon them; the shout warned him to quicken his pace; in an instant he was under the ash-tree; and in another, by the aid of its stout branches, he was at the top of the cliff. There he paused for but one instant, then turned and hurried on. His departing figure lessened rapidly to the eyes of those who followed him, and at length he disappeared.

Three of the pursuers climbed up by the aid of the ash-tree, as he had done; but as a fourth was mounting, he happened to turn his

eyes below, and beheld the object of the chase down in the valley, and in the act of crossing the river, which rose to his arm-pits. By a bold manœuvre he had put the hounds at fault, and by the time the men were called down from above, was out of sight.

A short consultation was held amongst the tribe; and then they all quietly returned to their usual habits. The women and the children betook themselves again to their tents, the basket-maker came down and plied his trade more wakefully below; the young man who had been sitting with his back against the huge rock abandoned his post, and remained talking, within the little basin, to another of the tribe; and his fellow-watcher on the outside, lay down at the back of the encampment, and went to sleep.

About five minutes after, coming at great speed, the gipsey woman, Sally Stanley, approached the place from the lower part of the valley. There was anxiety in her look, and she gazed eagerly over the two shingly mounds, as if in search of what she did not see, and then with a step quickened almost to a run,

she entered the little amphitheatre of cliff, advancing straight to the youth who had been stationed at the pass between the two rocks.

"Is he gone?" she asked, in breathless eagerness, "Is he gone?"

"Yes, Sally; he is gone," replied the young man; "but it was not my fault, for he ——"

"Fault!" cried the woman, "it might be no one's fault; for what right have I to command? what need have you to obey? But cursed be he who let him go; for he has done a bad act; he has killed one who has always been kind to us; and the blood of the gipsey's friend be upon his head;" and without waiting for reply, she ran out of the circle of rock; and, with the speed of lightning, hurried down the valley. Cutting off every angle, finding paths where none appeared, and footing on places which a goat could hardly have trod, she darted on till she reached the spot where, opening out with an ever-gentle descent to the plain, the hill-valley was lost in other sweeps of the ground, and the common foot-path entered into the cultivated grounds, taking its onward course between two close hedges in the form of a lane. She

looked upon the somewhat moist sand beneath her feet with eagerness, and examined it carefully for several yards. Then, murmuring to herself, "He has not passed! — he cannot have passed!" she placed herself behind the decayed trunk of an old willow, and, waiting, watched with an attentive ear.

Two minutes had not elapsed when a step was heard; and then Lockwood was seen coming along the lane at a rapid pace, with a thick newly-cut stick in his hand. The woman instantly darted forth and threw herself before him.

"Get out of my way!" he said, in a stern tone, as soon as he saw her. "I am angry, and I would not do anything unbecoming. You may have done mischief enough already. Do not do more by making me forget myself."

But she persevered in her attempts to stop him.

"I am a woman, and alone;" she answered, "you would not do anything unmanly, I am sure. But hear me, Lockwood," she continued, more vehemently; "hear me, and I will tell you what you are going to do. You wish

to save him, and you are going to ruin him. If you set your foot in that court, he is lost. Nay, hear me! hear me!" she repeated, as he strove to push his way past her; "you must, you shall—for your own sake—for his sake—for my sake. I will beseech you—I will kneel to you, to hear me but a few words;" and casting herself down before him, she clasped his knees with her arms.

"I will not hear you," he answered, bitterly; "every moment is precious. You have detained me shamefully two days, and there is nothing to be told me that I could not tell you. I know all, girl—I know you, Susan Grey—I know your motives—I know that you are fool enough still to love him who ruined, betrayed, abandoned you—who left you to misery, starvation, and death, for aught he knew; and I know that to save him from the punishment of his crimes, you would sacrifice one who was kind and good to you, when there was none other to befriend you. Let me go, girl! for I will pass!" and, forcing himself from her grasp, he walked hastily onward towards S——.

"Oh God! Oh God!" cried the woman, "he will destroy him he seeks to save!"

This took place, let the reader remember, on the tenth of the month; the second day of the trial of Chandos Winslow; and to that trial and the court in which it was taking place, we must now return.

CHAPTER XVI.

In many cases the inhabitants of an assize town are very little affected by what is taking place in their courts. They see lawyers flock in and juries assemble, witnesses moving about in troops, and a rich crop of blue bags growing up. But with the causes or the prisoners, they very little trouble their heads. The host of the inn rubs his hands and rejoices: a heavy calendar to him is a God-send. His waiters, probably increased in number, bustle about to feed those classes which are proverbially ravenous; and the chamber-maids are in great request. The pastrycook becomes a person of importance; the cookshop has its share of business, and red tape and parchment rise in value; while the

ladies of the place think a good deal of the young barristers, and very little of those whose causes brought them to the town.

But there are occasions, on the contrary, when, either from the intrinsic interest of the case, or from adventitious circumstances connected with it, the people even of the town in which the trial takes place become almost universally excited by what is occurring in the courts; and upon every turn of the trial as it proceeds hangs a world of emotions in the bosoms of men only linked to the transaction by the tie of sympathy.

Such was the case in regard to the trial of Chandos Winslow. Not a drawing-room, not a tea-table, not a chamber in a tavern, not even a coffee-room did not hear discussed during the whole evening of the ninth the various events which had taken place in the court-house during the day, while calculations were formed, and even bets made, on the probable result of the trial. The prisoner had become quite a hero of romance to all the youth and much of the age of the place. He was so young, so handsome, so noble-looking, that the women

of S—— of course felt interest in his favour; and the men declared he bore it stoutly, struck by his firm and calm demeanour, and his resolute and gallant bearing. Nevertheless, at the close of the case for the prosecution, a very general impression prevailed that he would be found guilty. So many startling facts had been proved against him: his absence from his house precisely at the time of the murder; the exact correspondence of his shoes with the footsteps to and from the spot where the crime was committed; the bloody hands and coat; and the terribly agitated demeanour which had been witnessed by the boy and the old woman on his return, would almost have been enough for conviction, even without the terrible and seemingly conclusive fact, that the fatal deed had evidently been committed with the very hoe which he had carried out in his hand.

Under such circumstances, the rush at the doors of the court-house on the morning of the tenth was tremendous, and it was as much as the officers on duty could do, aided by a strong body of police, to prevent the multitude from crushing each other to death in the pas-

sages and in the very court itself. Several of the magnates of the county were accommodated with seats on the bench to hear the defence; and the voice of the judge himself was raised to its very highest tones to suppress the disorder that occurred when the prisoner appeared in the dock.

Wearing anxiety will have its effect on every frame, and Chandos Winslow looked paler and thinner than on the first day of the trial; but still the magnificent head, the fine person, the tranquil and undaunted bearing, and the firm, strong step had their effect upon those who beheld them, and the impression was that though the jury might and would say "Guilty," the man was innocent.

Sir —— every one remarked, was exceedingly pale; and before he rose he turned over the papers under his hand several times, with a look of nervous anxiety; but the moment he was upon his feet, that look passed away; he raised his head high; he cast back his shoulders as if for full breath, and, fixing his fine and speaking eyes upon the jury, began.

"My lord and gentlemen of the jury,—The learned sergeant who has conducted the prose-

cution assured you that to do so was the most painful task of his life. I doubt it not in the least; for it must be a terrible task indeed to become the public accuser of such a man as the prisoner, with even a doubt upon the mind of his guilt: and how many doubts must have existed in this case? If such were the feelings of my learned friend, judge, gentlemen of the jury, what must be mine, when, in rising to defend the prisoner at the bar, I know that upon my feeble efforts depends not only the life of an innocent man, not only the life of one who is an ornament to the society in which he moves, but the life and honour of my dearest friend! With what anxieties must I be oppressed; how terrible must be the responsibility when the slightest failure of my powers, the least oversight on my part, any weakness, any indiscretion, may condemn to death one whom I love as a brother—one whom I know to be innocent, as I have trust in God! I am no paid advocate, retained to defend a bad cause; I am not a counsel doing merely his professional duties: but I am a friend standing forth in defence of a friend; an honest man raising his

voice to save an innocent one. Terrible are the difficulties which all these cases present: more than ordinary are the difficulties in the present case; and all these are aggravated in an enormous degree by the very feelings of friendship which exist between myself and the prisoner, by the doubts and fears of myself, which make me tremble at my own incompetence, by the zeal which perplexes, by the eagerness which confounds. The burden would be too great, gentlemen of the jury; it would overwhelm me; but happily there are circumstances which lighten the load. I see upon the bench one of the most learned and clearsighted of those judges who are an honour to the nation to which they belong: I see in that box a body of Englishmen well calculated by judgment and experience to distinguish between truth and falsehood; between the factitious glozing of an artificial oratory, and the simple eloquence of right and conviction: and I hold under my hand the means of establishing, beyond all doubt, the innocence of my friend, if friendship do not deprive me of reason, if enthusiasm do not paralyse my tongue.

"I will now, however, do my best to grapple with the case as presented to you by my learned friend; and, doing him full justice for his high eloquence, believing most sincerely that he has stated nothing but what he was instructed was true, I will still venture to say, that a more terrible misrepresentation was never made to an English jury. Now, in the very first instance, my learned friend asserted that the prisoner at the bar is of a sharp and vindictive disposition; and he said that he should be able to show that such was the case. Gentlemen, I will ask you, has he proved that fact? I will ask you if he has made any attempt to prove it? I will ask you if his own witnesses have not proved the exact reverse; if they have not shown that the prisoner is of a kind and gentle disposition, winning the love and esteem of all around, high and low, rich and poor? and, whether we see him teaching the uneducated child, saving the drowning boy, or tending him in his after sickness, I will ask, if all that *has* been proved does not excite admiration, and sympathy, and respect? Cast from your minds, then, such unjustified and vague expressions; look upon his

general character as it is shown by the very evidence for the prosecution, tender rather than sharp, benevolent instead of vindictive. But the insinuation, gentlemen of the jury, has been made, though not supported; and it forces me to establish the contrary by proofs. Something was said too, gentlemen, of a duel between the prisoner and Viscount Overton, and a connexion must have instantly established itself in the minds of the jury, between that duel and the sharp and vindictive character ascribed to the prisoner. But, gentlemen, I will place that honourable nobleman in the witness-box, to speak to the character of the prisoner. He shall himself tell you what he thinks of the circumstances which produced the duel; and you shall judge from facts, not from insinuations. All this shall be triumphantly swept away, and I will not leave a vestige of such charges against my friend. I will call the old servants of his father's house, I will call the tenants, the parishioners, the neighbours. Their evidence need not be long, but it will be conclusive to show that a more honourable, upright, generous, kind-hearted man never existed; full of noble

enthusiasms, gentle in habits, benevolent in disposition, incapable of a base or a cruel action.

"So much, gentlemen of the jury, for the first part of the charge: for the general and vague insinuation, made for the purpose of preparing your minds to regard the prisoner as a man of blood. But it seemed necessary to my learned friend; and most necessary indeed it was to his case, to show some apparent motive for the crime of which the prisoner is accused; and a letter has been read in evidence to prove that there was some dispute between the prisoner and the murdered man. That letter shall be fully explained before I have done; and you shall see how ridiculously petty is the motive assigned for so great an offence. But besides that letter, allusion was made to former disputes between the unfortunate Mr. Roberts and the prisoner, which, though not proved, may have had some influence upon your minds. I will show that no such disputes ever existed; that the two were on the best and most kindly terms, that they had been so through life; and that those causes of disgust which had induced the prisoner to quit his bro-

ther's mansion were identical with the causes which induced Mr. Roberts to give notice to Sir William Winslow that he was about to leave his employment. In short, I will prove that Mr. Winslow and the man he is accused of murdering, were acting on the most friendly terms together; and that the letter which is supposed to prove that a dispute existed, was written in cold terms merely as an authority to Mr. Roberts for disregarding any orders he might have received from his employer to meddle with things in which that employer had no right. It was, in short, a formal notice to him to respect the rights of the prisoner, without any regard to the illegal directions of a third party. I shall be able to prove that Mr. Roberts possessed the full confidence of Mr. Chandos Winslow; that he was acting with due regard for Mr. Winslow's interests, and that he had actually applied or intended to apply to that gentleman for an authority or warning to respect, in his capacity of agent for Sir William Winslow, the rights of him, the prisoner at the bar. Thus the pretence of motive furnished by the letter which he, Mr. Roberts, had himself

desired, falls entirely to the ground, and leaves the accusation totally without motive and totally without foundation, except such as a very doubtful train of circumstantial evidence can afford. Mr. Roberts, in fact, was the only confidant of the prisoner at the bar, the only person to whom he confided his address, when disgust at some injuries he imagined he had received, and a desire to mingle as an equal with classes in which he had long taken a deep interest as a superior, led him to quit his high position in society, and accept the humble station of gardener to Mr. Arthur Tracy, of Northferry. Was this, gentlemen of the jury, like long disputes and acrimonious bickerings, ending in malevolence and murder? Is that the man to entertain such passions?—to commit such an act?

"But I will make no appeal to your feelings; I will address myself to your judgment only. I will break through this chain of circumstantial evidence; I will show that it cannot affect the prisoner, that it is not applicable to him. I will proceed logically with my inferences; though it may be somewhat out of

the usual course. I will first convince you that the prisoner was not a man likely to commit such a crime, by the testimony of many witnesses. I will next prove that there was no earthly motive for his committing that crime; but every motive for his not doing so: and, in the end, I will establish beyond all question that it was impossible that he could have committed it. Before I proceed to call my witnesses, however, it may be necessary to examine closely the evidence already adduced, in order that we may separate the facts clearly and distinctly proved from an immense mass of irrelevant matter. In so doing, I shall not attempt to explain every fact and every circumstance; I shall not seek to prove why the prisoner did this, or why he did that. To do so would occupy unnecessarily the time and patience of the court. For, surely, if I establish beyond all doubt, those three great points I have named—That the prisoner was not a man likely by character, disposition, and previous conduct, to commit such a crime; secondly, that he had no possible motive for committing it; but the reverse: and thirdly,

that if the testimony already given be not altogether false, he could not have committed it, that will be quite sufficient for the satisfaction of the court.

"The evidence, gentlemen of the jury, divides itself into two principal parts: that which relates to the death of Mr. Roberts: and that by which it is attempted to connect his death with some act of the prisoner. The simple facts regarding the death of the unhappy victim of some other man's bad passions are clearly proved in evidence, by the various witnesses you have heard in their examination and cross-examination. Their testimony has not been shaken in the least; and I do not wish to shake it. In considering this evidence it is of the utmost importance to the establishment of truth, that everything should be precise; and I must therefore impress the facts upon your minds that you may take them in conjunction with the evidence I shall myself offer, and from the whole draw the only deduction which can logically be drawn: that it is impossible the prisoner could have committed the act with which he is charged. You have heard the

testimony of James Wilson, the footman of Mr. Tracy, the last person that we know of who spoke with Mr. Roberts, before the murder; with the exception of Jones, the valet. This man stated at first, that Mr. Roberts called about five o'clock; but afterwards admitted, on cross-examination, that it was certainly ten minutes past five. It might have been more, but I am contented with that. The witness Jones corroborated the testimony of James Wilson, and fixed the time of Mr. Roberts's call at ten minutes or a quarter after five. These statements are not shaken. It was at least ten minutes past five when the murdered man was at Mr. Tracy's house. He stayed apparently a very short time there; but we find from Wilson's evidence in answer to the court, that it would take ten minutes more to go from the house to the spot where the murder was committed. We will not assume that any time was lost on the road. It was, therefore, at least twenty minutes after five before the criminal act was perpetrated. My learned friend has attempted to fix the period of the murder. I will try to do the same thing; but somewhat more

accurately. The little boy, Timothy Stanley, in evidence which, from its perspecuity, simplicity, and truthful straightforwardness, you must all recollect, has shown that at half-past five o'clock the murder had been actually committed. I take the time by Northferry clock to be the real time—at least it must be assumed to be so for our purposes; and I may as well inform the jury, here, that I last night sent off an express to Northferry to ascertain what difference, if any, exists between the clock at Mr. Tracy's house and that of Northferry church. By this man I shall prove that there is but one minute difference between the church clock and that in the hall so often alluded to, although that clock has not been set for one week, owing to Mr. Tracy's unfortunate absence. But I shall be in a condition to prove that it was set every day at noon precisely, during that gentleman's residence at Northferry, and set by the church clock. Thus it appears by testimony, which has not at all been shaken, that the murder of Mr. Roberts must have taken place between twenty minutes and half-an-hour after five; that at ten minutes past five he was

in Mr. Tracy's hall, and at half-past five was seen murdered at the end of the grounds, the distance between the two places being, I see by the plan, forty yards less than half-a-mile in a direct line, and rather more than three quarters of a mile by the walks. The body was not found till past ten o'clock, or more than four hours and a half after it was seen by the boy. At this time it was quite cold and stiff. The surgeon has proved that death was occasioned by an incised wound on the head, penetrating the brain, of a kind which might be given by a Dutch hoe, and a Dutch hoe was found on the ground near the body, with blood and grey hair upon it. There can be little doubt that this hoe was the instrument by which the murderer perpetrated his crime. That it was so, struck the prisoner at once, as you have heard; and moreover that he acknowledged the hoe to be his, and said that he had left it leaning against one of the pillars of the little temple over the fish-pond. These are the admitted facts concerning the murder, of which there can be no doubt.

"We will now turn to the circumstantial

evidence, by which it is attempted to connect the prisoner with the crime. Now my learned friend has repeated to you an old axiom of law that circumstantial evidence is often more convincing than direct evidence; and he has reasoned ably upon that question. Nevertheless, the numerous instances of awful injustice which have been committed in consequence of giving too much weight to circumstantial evidence, have shaken the confidence of many of the wisest and most learned men in the reasoning by which the axiom is supported, and in the justice of the axiom itself. I need not call to your mind a sad instance which occurred not many years ago in France, where an amiable and excellent man, mayor of a great city, after submitting to the knife of the guillotine, was proved to be perfectly innocent; and very many such instances are on record; but I do believe that after the trial which now occupies this court has come to its conclusion, all thinking men will regard circumstantial evidence with much greater doubt than they have hitherto done, and juries will pause ere they take upon themselves the frightful responsibility of send-

ing a fellow-creature to death while the shadow of a doubt remains. I say that the result of this trial will show that too great a dependence on circumstantial evidence may often betray wise and good men into acts which must burden their consciences for all their remaining days. I wish to produce this effect. I wish to put in the very strongest point of view, not only for the present occasion, but for future instruction, the very fallible nature of circumstantial evidence; and therefore in this instance I shall deal with it in a peculiar manner. I will not attempt to struggle with it; I will not try to shake it; I will not even descend to explain it. It shall stand in full force, bearing against my client to the very last; but then I will prove that it is utterly worthless, that it does not affect him even in the slightest degree; that there is not even a possibility of his having committed the crime. I will explain not one of all the circumstances that tell against him; and yet, without quitting that box, you shall give a verdict of acquittal.

"Nevertheless, it will be necessary to examine the evidence, in order to extract from it those

facts which have a real bearing on the case, and which fall into the line of defence. The rest I shall leave intact, without attempting to weaken it in the slightest degree. The evidence by which it is attempted to connect the prisoner with the crime, divides itself into three heads. One portion is that which shows that he was proceeding towards the spot where the dead body was found, nearly at the time when the murder must have been committed. The second refers to the traces of the deed left by the murderer, or supposed to have been left by him—the hoe with which the deed was done, the steps to and from the hawhaw and in the ditch. The third, relates to the demeanour and personal appearance of the prisoner after the murder had been committed. Under the first head we find from the witness, William Sandes, that he met the prisoner as he was going home from his work. The prisoner was going down towards the scene of the tragedy. The witness at first asserted, that it was about five o'clock when he met the prisoner, very naturally not wishing to make it appear that he had quitted his work before the proper time.

But in cross-examination we got out of him, that he had on previous occasions left the garden earlier than he ought to have done, and had been reprimanded by the prisoner. He also admitted that it was broad daylight, and might be a quarter before five. Thus the time at which Sandes met the prisoner was rather more than half-an-hour before the murder could have been committed. I beg you to mark this fact well, gentlemen of the jury, for it is important. Then we have the evidence of the old woman, Humphreys. She shows that he came into his cottage about half-past four, on the day of the murder, and went out again exactly at five, by a clock which is proved to have been on that night, from ten minutes to a quarter-of-an-hour too fast, thus corroborating the statement on cross-examination of the witness, Sandes. You will recollect, gentlemen of the jury, that on the fifth of February the sun sets before five o'clock. The witness, Sandes, says, that when he met the prisoner he does not think the sun was down; that it was broad daylight. The good woman, Humphreys, declares that the prisoner went to take a look

round the grounds before it was dark, all showing that it must have been considerably before five o'clock when he went out. Now, the murder could not have been committed before twenty minutes past five. This is the evidence tending to show that the prisoner was in the grounds, and went towards the fatal spot some time before the crime was perpetrated. He never denies, or has denied, that such was the case. He admitted it in conversation with Mr. Tracy. He said he had been speaking to Miss Tracy within a very few yards of the place where the body was found. And here I must remark upon two circumstances well worthy of your consideration. First: that the counsel for the prosecution have not thought fit to call Miss Tracy; but threw upon us the burden of so doing. Now, Acton, the gardener, might have no hesitation in calling that young lady; but, Mr. Chandos Winslow may have many reasons for not subjecting one towards whom he entertains high respect—may I not say affection?—to the torturing cross-examination of an adverse counsel. Suffice it, gentlemen of the jury, that he refuses to call her; and, re-

specting his motives, I have ventured to argue, but not to insist.—She should have been called for the prosecution. The other important fact to which I must call your particular attention is this, that although it is proved the prisoner was in the grounds a short time before the murder, we have it in evidence that some one else was in the grounds exactly at the time when the murder must have taken place. Michael Bur wash, has sworn, that some ten minutes or quarter-of-an-hour after Mr. Roberts went to the place where he met his death, he saw some person enter the house from that very direction, walking in a quick and hurried man ner; that he passed through the greenhouse instead of taking the usual entrance, as if he desired to avoid observation. Who was it? The witness says it was not Mr. Tracy, or General Tracy; and certainly not the prisoner at the bar. I do not wish to throw any imputations; but the fact is proved, that there was some man, not the prisoner, in the grounds at the very time the murder must have been committed.

"Now I come to the second head of evi-

dence—the traces of the murderer's progress. The hoe has been admitted to be the prisoner's by himself in this court. More may be very safely admitted; namely, that he carried it out with him in his hand, that he had it out with him when he met the witness, Sandes, and that he rested it against one of the pillars while he spoke with Miss Tracy, leaving it there when he went away. What more natural than to suppose, that the murderer, seeing it there, snatched it up to effect his criminal design? The foot-marks in the grass, I not only deny to have been the prisoner's, but I must say, that it is very nearly proved they were not. It is sworn that there were but two lines, one coming and one going, between the hawhaw and the spot; and it is admitted by the witness, Taylor, that one of the men who accompanied Mr. Tracy at night went from the place where the body was found to the hawhaw and back. It is also shown that the ground was so soft as to receive the impression of any foot that trod upon it. These steps then could not have been the prisoner's; but servants, and constable, and all, seem to have made up their mind that the

prisoner was the murderer, and the shoes of no other person were examined. Now, gentlemen of the jury, I will touch upon the third head of evidence—the prisoner's appearance and demeanour after the murder. He returned to his cottage, it is shown, somewhat after six o'clock, and I shall not in the slightest degree attempt, as I told you I would not, to lessen the weight of this evidence, nor even to explain the facts. I am precluded by his most positive injunctions from doing so. I admit then that he returned in a state of very considerable agitation; that he was annoyed, harassed, vexed; that there was blood upon his hands and upon his coat, and I will give no explanation of these facts. He forbids me to give the true one; and I will give no other. Were there no means of establishing his innocence, this refusal of explanation might create a reasonable doubt in your minds; but that doubt would be far from justifying you in a verdict of guilty. Any one can conceive a thousand circumstances which might have produced that agitation, and which might have covered his hands and stained his coat with blood, but which the most honourable motives

would prevent him from explaining. The proof must always lie with the other side; the prosecutor is bound to leave no reasonable doubt in your minds. It is not enough to produce a doubt of the prisoner's innocence; and therefore it is I say that though if no means existed of proving the prisoner to be not guilty, this refusal of explanation might produce a suspicion that he was guilty, yet that suspicion would be by no means sufficient to justify a verdict against him.

"But, gentlemen of the jury, I will not be satisfied with this. My friend must quit that dock without a stain upon his character. It must be in his case as in that of the famous Lord Cowper, who was tried in his youth for murder upon evidence much stronger than any which has been adduced on this occasion, who triumphed over a false accusation, left the court with honour unsullied, and rose to the very highest rank in his profession, holding the first official station in the realm beneath the crown. Nothing will content me but to see my friend so acquitted; and therefore I will not plead the benefit of a doubt. Nothing will content him but such an acquittal; and therefore he forbids me to urge upon the

court a fatal flaw which I have discovered in the indictment. But I can ensure that acquittal; and before I have done, I will prove, upon evidence unimpeachable, clear, distinct, and positive, that the prisoner was far distant from the spot at the moment the crime was committed; that it was, in short, physically impossible that he could have had any share in it. I will prove it, by persons above all suspicion of collusion, without motive, without object of favouring or assisting him. I will show, I say, not alone that the man round whom such a long chain of circumstantial evidence has been entwined, did not commit the crime with which he is charged; but that he could not have committed it; and I will call upon you for such an immediate and unhesitating verdict as will leave his name and honour clear of every imputation. Gentlemen of the jury, there is a joyful task before you, after you have performed a long and arduous one. Painful, yet mingled with satisfaction, have been the duties which I have taken upon myself. At first the awful responsibility overwhelmed me; the anxiety for my client, the apprehension for my friend, the sense of my own incompetence, the tremendous stake in

peril, seemed too much for my mind; but every step as I have proceeded has strengthened my confidence and reinvigorated my resolution. Knowing my friend's innocence, seeing the proofs of it accumulate, perceiving that the case for the prosecution crumbled away under cross-examination, and assured that without a word for the defence there was in reality no case to go to a jury, I felt that my own weakness could not much affect the result, and that his safety depended not on such feeble powers as mine. To God and to his country he has appealed; to God and to his country I leave his fate, certain that the one will defend, where my voice fails, the other do him justice, whatever powers be arrayed against him."

The tears rose in his eyes; his voice trembled and almost failed at the last words; but those last words were as distinctly heard in the court as the most powerful tones of the adverse counsel; for there was a dead silence, unbroken by a breath.

END OF VOL. II.

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